



VIOLENCE AGAINST WOMEN IN INDIA: A SOCIO-LEGAL STUDY

THESIS

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BY

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CHAPTER – 6

CONCLUSION AND SUGGESTIONS

6.1 Conclusion

It is said that the best way to judge the civilization of a country is to contemplate the status of its women. Their status in society represents the actual index of its cultural, social, religious and spiritual levels. Even her role in the different arenas of her life has contributed to the evolution of values on which society is based and determine the progress and all-round development of the nation. However, it is very complicated and challenging to conclude their position. Therefore it is essential to trace their position from a historical perspective. From the historical survey of records, it is clear that since the Vedic age, womanhood has been esteemed as the embodiment of mother power in India. They occupied a privileged and respectful position in the society and were treated equally on par with men. They were given the freedom to take part in each sphere of human life. However, in Smriti Period, few concepts developed and affected the position of women adversely. Law of Manu, equated women with slaves and said that ‘a woman should never be independent’. She should be treated as the property of her husband and looked after by others. The subordinate position of women was profoundly embedded in the Indian culture of that period.

The glorious position of women thus gradually deteriorated with the entry of numerous social evils as traditions in the Smritis and Muslim Period. In the later Vedic texts, the child marriage system persisted, the girl remained uneducated inside the four walls of her home, widow remarriage was prohibited, and the evil customs of sati, devadasi, dowry and female infanticide continued in colossal scale. These malevolent practices affected their position in all walks of their life.

After the advent of British rule and the rise of democracy and liberalism all over the world, slight improvements were witnessed in the status of women in India. The role of women began to change towards greater emancipation from the domination of men. In addition to this, industrialization and urbanization also brought plenty of changes in the life of women. It is also to be noted that during the British Raj, many social reformers of the 19th century raised their voice and worked for the upliftment of

women. In 1829, the endeavours of Raja Ram Mohan Roy brought the abolition of Sati practice under the Governor-General William Bentinck. Many more reforms took place to improve the condition of women, such as Widow Remarriage Act, 1856; Child Marriage Restraint Act, 1929; Hindu Women's Rights to Property Act, 1937, etc.

After India got Independence in 1947, a Constitution was framed and many important legislations were passed to bring women out of their homes and to help them achieve equality with men. Accordingly, many policies and programmes were formulated to eradicate the criminal exploitation of women. The literacy rate among women has increased due to women-oriented programmes and policies. These changes have caused a deep influence on the status of women in society.

However, violence against women remained one of the serious and prevalent issues in the 21st century. After analysing the various aspects of issues relating to women, we can conclude that women are still facing violence in a male-dominated society. They are exploited at every stage of their life from pre-birth stage to the reproductive stage in its varied forms such as female foeticide, female infanticide, rape, dowry death, bride burning, domestic violence, sexual harassment, molestation, child sexual abuse, sexual trafficking and slavery across the country.

During the last eleven years, the study has found that the percentage of IPC crimes perpetrated against women towards total IPC crimes has increased from 7.8 per cent in the year 2005 to 10.7 per cent during the year 2015. The crime towards women in the year 2015 has decreased by 3.1 per cent over the year 2014 and increased by 110.4 per cent over the year 2005. In the year 2015, the IPC components of crimes towards women have represented 96.08 per cent of total crimes and the remaining 3.9 per cent were SLL crimes against women.

Furthermore, the study has found that violence against women has increased mainly because of patriarchy and other relations of dominance and subordination, traditional and cultural practices perpetuating violence against women (child marriage, son preference, honour killing, etc.), economic inequalities and inefficiency of the legal machinery. The study has also concluded that with different kinds of violence being faced by women, it affects them not only as an individual but also as families and children and the entire community as a whole. It has serious social,

economic and health issues with far-reaching physical and mental health effects including post-traumatic stress disorders, depression and in extreme cases, it has even led to death. Violence restricts women to move or act freely from accessing or experiencing the benefits of development. Overall, it hampers directly or indirectly the economic condition of a household and overall advancement of the nation.

The Constitution of India which is the fundamental law of the land, includes a number of provisions for the welfares and safety of women. Apart from Fundamental Rights, some specific provisions are incorporated in the Preamble, Directive Principles of State Policy and the Fundamental Duties to ensure the rights of women. Besides various articles of the Indian Constitution and provisions in Criminal Law i.e. Indian Penal Code 1860, Indian Evidence Act 1872, Criminal Procedure Code 1973, many legislative enactments have been passed by Indian Parliament to prevent women from violence in the Indian society such as Maternity Benefit Act, 1961; Equal Remuneration Act, 1976; Immoral Traffic Act, 1956; Dowry Prohibition Act, 1961; Medical Termination of Pregnancy Act, 1971; Indecent Representation of Women (Prohibition) Act, 1986; Commission of Sati (Prevention) Act, 1987; National Commission for Women Act, 1990; Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994; Protection of Women from Domestic Violence Act, 2005.

The Indian Penal Code 1860, Criminal Procedure Code 1973 and Indian Evidence Act 1872 has also been amended from time to time to protect women from exploitation besides punishing the offenders. According to the 73rd and 74th Constitutional Amendment Bills, one-third of the seats of local bodies were reserved for women to further boost the process of their empowerment. Although the proportion of representation of women in various levels of political activity has risen significantly but they still remain under-represented in various government bodies.

Many special initiatives such as National Policy for the Empowerment of Women, 2001, National Commission for Women, National Plan of Action for the Girl Child, have been undertaken by the Government of India to safeguard the rights of women. Many Government schemes like ‘Nari Shakti pruskar’ ‘Mahila Samriddhi Yojana’, ‘Rashtriya Mahila Kosh’, Maternity Benefits Scheme, ‘Beti Bachao, and

'Beti Padhao' Yojana, 'One Stop Centre Scheme', 'Women Helpline Scheme', 'Working Women Hostel' were launched for the welfare of women in the country.

In 2010, the UN declared 8th March as the International Women's Day to recognize the dignity of women. Besides adopting the UN Charter and supporting the UN Commission on the status of women, a series of other human rights treaties, international conventions, and conferences have been ratified to ensure and protect the rights of women and also to empower them. Some prominent international legal instruments which have been ratified include Universal Declaration of Human Rights; 1948; Convention on the Political Rights of Women, 1952; Convention on the Nationality of Married Women, 1957; Declaration on the Elimination of Discrimination Against Women, 1967; Convention on the Elimination of all Forms of Discrimination Against Women, 1979; Declaration on the Elimination of Violence Against Women, 1993; Beijing Fourth World Conference on Women, 1995; and Optional Protocol to the Convention on the Elimination of Discrimination Against Women, 1999.

It may, however, be observed and analysed that despite the abundance of laws and its remarkable efforts, the problem of violence does not yield solutions easily. However, it may be due to the huge gap between the goals articulated within the Constitution, laws, policies, plans, programmes, and associated mechanisms on one hand and the actual status of women in India, on the other hand. Therefore, there must be effective implementation of laws at the national, regional and international levels. The Government and Non-Government Organizations (NGOs) must play an effective role in creating awareness among women about their social, political, economic and legal rights.

In order to realize women's maximum potential growth, one of the highest priorities is to bring about a change in the environment for the safety and security of women. In the current scenario, this environment is so vitiating that many adverse factors lead to different types of crime against women and their children. Some of the important ones include avoiding the birth of a daughter or female foeticide, child labour, eve-teasing, domestic violence, trafficking of women and harassment at the workplace, etc. Although all these kinds of violence are hurdle on the way to women's empowerment, and in particular has a devastating effect on women and their children,

enactment of laws is also ineffective in tackling the problem of violence due to loopholes in the system and wide gap between the initial demands raised by movements as well as recommendations by the law commissions and the final enactments.

Therefore, the laws must be stringent in tackling such type of violence and to make women literally empowered. Pandit Jawaharlal Lal Nehru rightly said that “administration is meant to achieve something and not to exist in some kind of ivory towers following certain rules of procedure and looking beautiful. The test of administration is the welfare of the people”. The government must function in an efficient way and be responsible and transparent. Another most important thing is that the conservative thoughts of male-dominated society must be changed towards female to give her due regard in the society. At the same time, the attitude of females towards other females should also be changed. The government must formulate various plans and policies for women to increase their literacy rate and employment opportunities. Mere laws cannot save women from the evils; therefore, it is the duty of each one to raise his voice so that these evil cultural practices can be rooted out from our society.

6.2 Suggestions

Based on the above discussion, it is clear that despite several constitutional safeguards and enactments of laws, violence against women has not reduced significantly. Hence, the researcher suggests the following measures to prevent women's abuse and exploitation in our society and to control violence against them:

1. The patriarchal mindset of the society does not treat women at par with men. They are neglected everywhere in their life. Even they are not safe at their workplace and are being subjected to violence in the hands of men. The only solution to the problem is that until and unless patriarchal thinking does not become gender-neutral to provide equal status to women, till then we cannot have a civilized world.
2. During the last few decades, the image of police has steadily deteriorated in our society because most of the people have lost faith both in the law and its enforcement agencies due to a variety of corrupt and unlawful practices. The police in India are not receptive to the victims of violence due to the same patriarchal attitude. However, as a police officer, they should uphold the rule

of law to deal with the public efficiently without anyone's influence like a politician or any person from a higher authority. They must be accountable for their duty so that they can restore the faith of citizens. There should be a separate police complaint authority so that people can complain against the corrupt officers who do not carry out their duties honestly and adequately. A separate women cell should be created in each state's police station to cover all cases of crime to resolve their grievances speedily.

3. In India, rape and honour killing have always been considered as social stigma which is faced by most of the women. Therefore, there is a need to change the attitude of the masses in the society regarding the victims. Whenever they feel to raise their voice against the culprit who has committed a crime against them, the first question that comes in their mind is, the honour of the family and fear of society. Because of fear of isolation from the family, they also feel ashamed or afraid to report the cases of rape and honour killing. Instead of providing emotional and psychological support to the victims, people make them feel dehumanized. We have to change the perception of the society towards the victims so that they feel secure and confident to report the crime to punish the culprits.
4. More rights should be given to women in services, social affairs, and in household chores to make them self-reliant and financially independent. Even if we see at the daily work hours of women, they do more work than men. However, we do not include their household duties or convert that into money. Equality regarding access to resources should be given to them so that they become economically independent.
5. Education is the only tool that can raise the status of women. Equal access to education must be provided to both boys and girls. The educational curriculum must be included such a subject that can make them understand about gender equality, then only we can remove the shackles of such cultural forces and traditions which result in the perpetration of violence against women. Therefore the education system in India needs a reformation to liberate women from the shackles of discrimination. It can only be possible through providing

education to every child of the nation so that they can secure themselves independent.

6. More and more women organisations should be formed in every part of India, especially in remote areas, to make them aware of their legal rights through demonstrations, public meetings and poster campaigns, etc. so that if there is any violation, then they can report them to the concerned authorities. These organisations must be formed specifically for women so that they can be more aware of their rights. Moreover, we should focus more on understanding the nature, causes & consequences of violence perpetrated against women.
7. More training and awareness programmes should be conducted to protect themselves against any type of violence/atrocities/crimes as most of the women are not aware of their rights which are provided under the different laws such as Sexual Harassment Act, 2013; Criminal Law Amendment Act, 2013 & Criminal Law Amendment Act, 2018 etc.
8. State Commission for Women should be constituted in every state of India for monitoring and reviewing the cases of violence against women. It should also network effectively with the National Commission for Women to safeguard the rights of women.
9. A women court in each district should be established for speedy justice as it would take only a few months to get justice as compared to ordinary courts. The logic behind setting up of these courts is that most of them do not hesitate to depose the cases truthfully and it also provides speedy trials to women and deals with cases pertaining to women only.
10. In every Government hospital of India, ‘Rape Crisis Centre’ should be set-up for counselling of rape victims at the expense of government so that they can come out of mental trauma of this heinous crime and can live their life prosperously in the society. Free legal aid and compensation should also be provided to the victims of violence both by Government and Non-Government Organizations (NGOs).
11. Media should play an important role in shaping notions about gender roles and gender identities; they should not portray male as powerful and female as

powerless. Projecting women as ‘sexual objects’ must be banned in commercial advertisements because it also promotes violence.

12. Another remedial measure for combating violence against women is to change the attitude of the masses through education at the school level, by organising social awareness programmes and by involving government machinery. There is also a great need to bring change in the attitudes of the victim’s parents. The first thing that arises in our mind is that parents should not agree to give their daughter to dowry demanding families. We must think as to whether divorce is better than marriage when she suffers in silence the dowry violence. Nevertheless, parents are more concerned about the social stigma and therefore, they send back their daughters. Hence, these realities are important and have to be kept in our mind while pondering over measures to protect women from such atrocities.
13. The laws in India are ample. However, due to poor implementation of laws, the culprit uses the lacunas of laws and gets rid of the crimes. There is also a need for harsh and effective laws and enforcement machinery, sensitive judiciary, women vigilante groups to deal with such types of crimes. Therefore, proper implementation of all these laws is a foremost requirement of the hour to get justice.