

LEGAL EYE PARTNERS

Article

Violence Against Women

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Abstract

The article analyzes the pervasive issue of violence against women, exploring its various forms, prevalence, and root causes. Emphasis is placed on the role of education, legal frameworks, and community involvement in addressing and preventing gender-based violence. The article also highlights the impact on survivors' mental health, the importance of support systems. This article also contains examples of such violence and legal provisions to protect crimes against women.

Keyword

Violence against women, Domestic violence, Root cause, Legal frameworks, Human rights, Gender based violence, Patriarchy, Mental health impact, Support for survivors, Human trafficking, acid attack.

Introduction

Violence against women encompasses a wide range of behaviors that cause physical, sexual, or psychological harm. These include domestic violence, sexual assault, human trafficking, honor killings, female genital mutilation, and more. Each form of violence is a grievous infringement on a woman's right to live free from fear and discrimination. Understanding the root causes of violence against women is essential for developing effective strategies to combat it. Patriarchy, deeply ingrained gender norms, and systemic inequalities contribute to the perpetuation of violence. Societal attitudes that tolerate or excuse such behaviors further enable the cycle of abuse.

The World Health Organization estimates that one in three women worldwide has experienced physical or sexual intimate partner violence or non-partner sexual violence in their lifetime. This staggering statistic highlights the alarming prevalence of violence against women, a global epidemic that transcends cultural, economic, and educational differences. In the labyrinth of progress and tradition, India grapples with the pervasive issue of violence against women, a haunting reality that transcends socio-economic divides. Despite commendable strides in legislative frameworks, the battle against gender-based violence remains an ongoing struggle. This article embarks on an exploration of India's legal landscape concerning violence against women and spotlighting real-life cases to emphasize the urgency for change.

Types of violence against women

- **Acid attack**
- **Domestic violence**
- **Rape**
- **Human trafficking**
- **Sexual assault**
- **Sexual harassment**
- **Dowry related crimes**
- **Stalking**
- **Honor killing**

Acid attack

Acid attacks in India represent a heinous form of violence that leaves victims with severe physical and psychological scars. These attacks often occur due to various motives such as revenge, rejection, jealousy, or disputes. While India has taken steps to address this issue, including legal reforms, acid attacks continue to be a grave concern. India has enacted legal provisions to address acid attacks. The Criminal Law (Amendment) Act, 2013, introduced specific sections (326A and 326B) in the Indian Penal Code (IPC) to deal with acid attacks, prescribing stringent punishments for perpetrators.

One notable case is the *Laxmi vs. Union of India & Others* (2015). Laxmi Agarwal, an acid attack survivor and activist, filed a PIL in the Supreme Court seeking regulation of the sale of acid and proper rehabilitation for acid attack survivors. The Supreme Court, in its judgment, issued guidelines to regulate the sale of acid and recommended compensation schemes for survivors. The Court emphasized the need for stricter measures to curb acid attacks and highlighted the responsibilities of the government in addressing this issue.

Domestic violence

Domestic violence refers to any pattern of abusive behavior used by one partner in an intimate relationship to gain or maintain control over the other. It includes physical, emotional, psychological, sexual, or economic abuse. Inflicting bodily harm or using force to cause injury, such as hitting, slapping, or kicking, undermining the victim's self-worth, manipulating emotions, and engaging in coercive control, Forcing or coercing a partner into unwanted sexual activities without consent, controlling financial resources, preventing access to money, or sabotaging the victim's economic independence.

The impact of domestic violence on the victim can cause injury to her physical as well as mental health. This causes anxiety, depression, post-traumatic stress disorder (PTSD), and emotional distress. The control tactics may lead the victim to social isolation.

In India, the primary legal framework aimed at preventing and addressing domestic violence is the Protection of Women from Domestic Violence Act, 2005 (PWDVA). This comprehensive legislation was enacted to provide a legal mechanism for the protection of women from domestic violence and to ensure effective remedies for survivors. The PWDVA broadly defines domestic violence to include physical, sexual, verbal, emotional, and economic abuse within a domestic relationship. The Act applies to all women irrespective of their marital status, encompassing wives, daughters, mothers, or sisters who reside or have at any point resided in a shared household.

Indira Jaising v. Supreme Court of India (2010): In this case, the Supreme Court of India made a landmark decision, emphasizing the importance of providing immediate and effective relief to victims of domestic violence. The court ruled that monetary relief under the Protection of Women from Domestic Violence Act is not a discretionary or arbitrary award but should be based on the actual needs and losses suffered by the victim. The judgment reinforced the principle that financial compensation should be commensurate with the harm suffered and should aim to place the victim in the same position she would have been in if the domestic violence had not occurred.

Rape

Rape stands as a stark manifestation of violence against women, representing an egregious violation of their bodily autonomy, dignity, and basic human rights. It is an act of physical and psychological aggression, leaving enduring scars on the survivor. Beyond the immediate trauma, the pervasive fear and emotional turmoil can shape the survivor's life profoundly. Rape perpetuates a culture of power and control, reinforcing gender-based inequalities. Addressing this form of violence requires a multifaceted approach involving legal reforms, stringent law enforcement, and societal education to challenge harmful norms. Empowering survivors through support systems and dismantling the stigma surrounding rape are crucial steps toward creating a society where women are safe, respected, and free from the pervasive threat of sexual violence.

India has enacted various legal provisions to address and prevent rape, recognizing it as a heinous crime. Key legislative frameworks include:

Indian Penal Code (IPC):

Section 375: Defines rape and outlines the circumstances under which sexual intercourse without consent constitutes rape.

Section 376: Prescribes punishments for rape offenses, including imprisonment and fines.

Criminal Law (Amendment) Act, 2013:

Introduced amendments to the IPC in response to public outrage following the Nirbhaya case.

Expanded the definition of rape and enhanced penalties for sexual offenses.

Included new offenses like acid attacks and stalking.

Protection of Children from Sexual Offences (POCSO) Act, 2012:

Specifically addresses sexual offenses against children, providing a comprehensive legal framework to protect minors from sexual abuse.

Prescribes stringent penalties for various forms of sexual crimes against children.

Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013:

Addresses sexual harassment in the workplace, defining offenses and outlining procedures for complaint redressal.

DNA Profiling Bill, 2019:

Aims to establish a National DNA Data Bank to aid in the investigation and prevention of crimes, including rape, by maintaining DNA profiles.

Here are some examples of the brutal crime in India.

Nirbhaya Case (2012):

A young woman, referred to as Nirbhaya (meaning "fearless"), was brutally gang-raped and assaulted on a moving bus in Delhi. The incident led to widespread protests and sparked national and international outrage. The perpetrators were arrested and faced trial, resulting in convictions and death sentences.

Kathua Rape Case (2018):

An eight-year-old girl was abducted, raped, and murdered in the Kathua district of Jammu and Kashmir. The case drew attention due to its brutal nature and the communal tensions it ignited. The trial concluded with the conviction of several accused.

Unnao Rape Case (2017-2018):

A teenager accused a politician from Uttar Pradesh of rape. The case gained prominence due to allegations of intimidation and harassment against the survivor and her family. The accused was eventually arrested, and the case brought attention to issues related to the protection of survivors and their families.

Bilkis Bano Gang Rape Case (2002):

Bilkis Bano, a survivor of the Gujarat riots, was gang-raped, and her family was brutally attacked. The case highlighted issues of communal violence and justice delivery.

It's crucial to approach these cases with sensitivity, recognizing the trauma experienced by survivors. For the latest information on rape cases in India, it is recommended to check recent news sources or legal databases.

Human trafficking

Human trafficking involves the recruitment, transportation, transfer, harboring, or receipt of individuals through force, coercion, or deception for the purpose of exploitation. It is a grave violation of human rights and a global criminal enterprise. There are types of trafficking

- **SEX TRAFFICKING:** Involves the recruitment, harboring, or receipt of individuals through force or deception for the purpose of commercial sexual exploitation.
- **LABOR TRAFFICKING:** Involves the recruitment, harboring, or receipt of individuals for forced labor or services, often in industries such as agriculture, construction, or domestic work.
- **CHILD TRAFFICKING:** Involves the trafficking of minors for various forms of exploitation, including child labor, child soldiers, or commercial sexual exploitation.

Prevention of Immoral Traffic Act, 1956 (India):

Enacted in India, this legislation criminalizes trafficking for commercial sexual exploitation and provides for the punishment of offenders.

Vishal Jeet v. Union of India (2019): In this case, the Supreme Court of India took suo motu cognizance of the issue of child trafficking and sexual exploitation. The court emphasized the need for coordinated efforts among various stakeholders, including law enforcement agencies, to combat the sexual trafficking of children. The judgment highlighted the gravity of the problem and the importance of addressing the root causes leading to trafficking.

Sexual assault and Sexual harassment

Sexual assault includes any unwanted or non-consensual sexual contact, ranging from groping and molestation to rape. It can occur in various settings, including intimate relationships, workplaces, public spaces, and during conflict.

Types of Sexual Assault:

Harassment: Unwanted sexual advances, comments, or behaviors that create a hostile or intimidating environment.

Molestation: Inappropriate touching or fondling without consent.

There are various provisions related and to prevent sexual assault and harassment to women, such as Section 375 - Rape: Defines rape and outlines circumstances under which sexual intercourse without the consent of the woman is considered rape.

Section 376 - Punishment for Rape: Prescribes punishment for the offense of rape, including imprisonment and fine. It also includes provisions related to the punishment for gang rape.

Section 354 - Assault or criminal force to woman with intent to outrage her modesty:

Addresses the offense of using criminal force against a woman with the intention of outraging her modesty.

Section 354A - Sexual harassment and punishment for sexual harassment:

Includes provisions related to sexual harassment, and it was introduced through the Criminal Law (Amendment) Act, 2013.

Section 354B - Assault or use of criminal force to woman with intent to disrobe:

Addresses the act of assaulting or using criminal force against a woman with the intent to disrobe her. Section 354C - Voyeurism: Criminalizes voyeuristic acts involving capturing images or videos of a woman engaging in a private act without her consent. Section 354D - Stalking: Criminalizes stalking, including following a woman and contacting her against her will.

The Criminal Law (Amendment) Act, 2013:

Enacted in response to the Nirbhaya case, this amendment broadened the definition of sexual offenses, increased penalties, and introduced new offenses, including acid attacks and stalking.

Protection of Children from Sexual Offences (POCSO) Act, 2012:

Specifically addresses sexual offenses against children and provides a comprehensive legal framework for their protection.

Root cause of violence against women

Violence against women is a complex issue with multiple interconnected root causes, and it often stems from deep-seated societal norms, attitudes, and inequalities. Some of the root causes include

- Gender inequality
- Lack of education
- Cultural norms
- Economic inequality
- Cycle of violence

Conclusion

Violence against women is a deeply entrenched issue that demands urgent attention and comprehensive action. Addressing the root causes, challenging societal norms, and fostering a culture of equality are essential steps towards breaking the cycle of abuse. By working together at individual, community, and societal levels, we can create a world where violence against women is not only condemned but eradicated. The journey towards gender equality and a violence-free world requires the collective effort of individuals, communities, and nations – a commitment that is crucial for the well-being and dignity of women everywhere.

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