

SEXUAL VIOLENCE AGAINST WOMEN AND REMEDIES IN TAMIL NADU

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Abstract : Violence affects the lives of millions of women worldwide, in all socio-economic and educational classes. Violence against women and girls includes physical, sexual, psychological and economic abuse. It is often known as “gender based” violence because it evolves in part from women’s subordinate status in society.

Keywords

Kidnapping, Eve-Teasing, Ragging, Rape, Prostitution, Sex- Selection.

1 Sources

The Research Article is based on primary and secondary sources. The Government Orders, Reports and Records are the major primary sources. The secondary sources of information will include number of published books and news papers.

2 Introduction

Violence against women exists at three levels. The first is the physical battering that leaves a woman bruised and with broken bones. The second kind of violence is the mental violence, where a woman’s self-esteem is whittled away through piercing derogatory words till it is systematically eroded. The third kind of violence is where a woman is made to lose her self worth, self-esteem and brought to the level of self- denial, such that she accepts violence as part of her everyday life.¹ They face many forms of violence they are domestic abuse, wife-beating, sexual harassment in work place, rape, trafficking in women, forced prostitution and so forth. It constitutes hostile physical and psychological acts. It is also in the form of threats that target women by reason and sex alone. Violence against women also manifests as an act of aggression against the self such as suicide, self mutilation and negligence of ailment, etc.²

2.1 Sexual Violence

Women suffer sexual harassment in the form of eve-teasing, body-touching, vulgar remarks and humiliation. Sexual abuse has kept women in a constant state of exasperation and humiliation and it restricts their freedom. Sexual harassment accounts for about 10-14 per cent of the crimes committed against women. The streets are lurking corners for road side Romeos who would, just for the thrill of it, brush against a woman or make cheap suggestive remarks and gestures, being confident that the hapless woman would do little to raise an alarm. Streets, public transports or even public places are seething cauldrons for sexual assaults and perverted acts. This kind of disgrace to women contributes to her inability to report the culprits and display her inner power and independence.³

Sexual harassment in the workplace is a growing concern for women. Employers abuse their authority to seek sexual favours from their female co- workers or subordinates, sometimes promising promotions or other forms of career advancement or simply creating an untenable and hostile work environment. Women who refuse to give in to such unwanted sexual advances are dismissed. But in recent years, many women have been coming forward to report such practices. Some are even taking their cases to court.⁴

Tamil Nadu Prohibition of Harassment of Women Act, 1998 was passed by the government of Tamil Nadu against men who tease women. By that in schools, temples, churches, bus stops, roads, theatres, parks, celebration places, public work places or any other places if any boy teases a girl or does any of the bad things it will be taken as a sinful act. They will be given 3years of imprisonment or a penalty of Rs. 10,000 fine. Otherwise they will get both the punishments together.⁵

2.2 Eve-Teasing

Eve-teasing is an act of terror which violates a woman’s body and self respect. It is one of the many ways through which a woman is systematically made to feel inferior, weak and afraid. Eve-teasing has been defined as when a man by words either

spoken or by signs and or by visible representation or by gesture does any act in public place or signs, recites or utters any indecent words or songs or ballad in any public place to the annoyance of any woman.⁶

Eve-teasing occurs mostly around women's colleges, hostels, schools, bus stands, roads, park, beach, cinema halls and when women commute in buses or trains. Some who have been more seriously affected by eve-teasing do not have the courage to complain to the police. Some women have experienced that complaining to parents or authorities regarding eve-teasing has led them into further serious problems such as harassment or blockades on the road.⁷

As the result of the opposition, the Tamil Nadu Prohibition of Eve-Teasing Act, 1999 was passed. Under this Act whoever commits or participates in eve-teasing in any place of Tamil Nadu shall be punished with imprisonment for a term of one year or shall be liable to be fined which may extend to Rs. 1,00,000 or both.⁸ Replying to the discussion on the Tamil Nadu Prohibition of Eve-teasing Bill, Law Minister Aladi Aruna said it was introduced after carefully analyzing the situation in view of the tragic death of Sarika Shah, of Ethiraj College for women in Chennai, after an eve-teasing incident. Her death had shocked people and it was the duty of the Government to protect the modesty of women, besides giving them due respect and honour. But this violence still continues.⁹

2.3 Ragging

Ragging means display of noisy, disorderly conduct doing any act which causes or likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment to a student in any educational institution. It includes teasing, abusing of, playing practical jokes on, or causing hurt to such student or asking the student to do any act or perform something which such student will not in the ordinary course willingly do.¹⁰ As the result of the opposition, the Tamil Nadu Prohibition of Ragging Act, 1997 was passed. Under this Act, ragging within or outside any educational institution is prohibited. Whoever directly or indirectly commits, participates in, abets or propagates ragging within or outside any educational institution, shall be punished with imprisonment for a term which may extend to two years and shall be liable to a fine which may extend to ten thousand rupees.¹¹

2.4 Rape

Rape is the most brutal form of aggression against women and it shakes the foundation of life of the victim. It is violation of a female's integrity and dignity as a person. Rape is the only crime in which the victim faces more degradation and social unacceptability and is often described as "Deathless shame" or "Living death".¹² Rape can occur anywhere, even in the family, where it can take the form of marital rape or incest. It occurs in the community, where a woman can fall prey to any abuser. It also occurs in situations of armed conflict and in refugee camps.¹³

It is not only the poor girls who become rape victims but even the employees belonging to the middle class are sexually humiliated by their employers. Even deaf and dumb, lunatic and blind, and women beggars are not spared. Women who come from the low-middle class and who are the main bread winners of their families bear sexual abuse silently and without protest. The age group of 15-20 years has the highest rate among victims while the offenders are mostly in the age group of 23-30. Youth is, thus, the main consideration in selecting victims.¹⁴

2.5 Prostitution and Traffic in Women

There are no licensed houses for prostitutes in Tamil Nadu. The Madras Suppression of Immoral Traffic Act V of 1930 suppresses this anti-social action in Tamil Nadu. The problem of prostitution has also to be solved outside the prison bars, by social rehabilitation work. It is a mental and moral sickness. Such unfortunate women who are found to be stealthily engaged in prostitution are rescued from the vicious trade by official as well as non-official agencies, and for this work the Madras State has a well organized vigilance service. Rescue homes are provided for those unfortunate women, to whom shelter and training in a useful craft are being given.¹⁵

As the result of the opposition, the Suppression of Immoral Traffic in Women and Girls Act, 1956 was passed. This Act prohibits trafficking in women and girls for purposes of prostitution as an organized means of living. The Act was amended in 1978 and further amended in September 1986 with the objective of making the penal provisions in the Act more stringent and effective.¹⁶ The Amendment Act is retitled as "The Immoral Traffic (Prevention) Act, 1986" and the salient features of this Act are widening the scope of Act to cover all persons whether male or female, who are sexually exploited for commercial purposes,

enhancement of period of imprisonment where offences are committed against minors and children, appointment of Trafficking police Officers, who will have the powers to investigate inter-state offences, prescribing punishment as laid down for rape under the Indian Penal Code or the seduction of victims of trafficking while in custody, interrogations of women and girls removed from the brothels to be held by women police officers or in their absence in the presence of women social workers, and setting up of special courts.¹⁷

2.6 Sex- Selection

The population statistics of India shows that the number of females to males has been declining over the decades from 972 females per 1000 males in the 1901 census to 941 into 1961 census and further to 927 in 1991 census. Only as per the 2001 census, this number has slightly increased into 932 females per 1000 males.

One of the reasons for the declining of the sex ratios is the incidence of sex selection, and or sex determination followed by sex selective abortions. This constitutes a grave form of discrimination against women as women are affected as being part of a social class. A woman's right to abortion has to be upheld on the grounds of promoting women's rights to equality. The right to abortion is the right to abort any foetus. The abortion of a female foetus following a sex determination test is an act of discrimination. As this act of discrimination can not be committed without the active intervention of medical professionals, it is essential to strictly enforce Laws directed towards regulating the practice of medical professionals.¹⁸

As the result of the opposition, the Per-Natal Diagnostic Techniques [regulation and prevention of misuse] Act, 1994 was passed. By this Act no one can check the baby inside the embryo of a mother if it is a boy or a girl by the method of Ultra Sona Graphy. Doctors do not have any power to use this method. If they do this, they will get 3 years imprisonment and to pay a fine of Rs. 10,000. Again if they do this they will get 5 years of jail and Rs. 50,000 as fine. Also their names and recognitions of their education will be cancelled for three years from the state medical registration record. Again if they do the same crime, their names will be cancelled permanently from the state medical registration record.¹⁹ If any parent meets the doctor to know the sex of the baby, he or she also will get punishment. They will get 3years of jail, and Rs. 10,000 as fine. Again if they do the same, they will be punished for 5years and to pay Rs. 50,000 as fine. In this act, the criminals will be arrested without warrant and also the crime comes under non-bailable section.²⁰

2.7 Conclusion

The Government tells that the injustice against women like Rape, Kidnapping, Eve-teasing, Female infanticides have been eliminated from the state. But it is happening in many of the places in Tamil Nadu. The important reason is that there is no proper law to punish them severely. So proper law should be enacted and the culprits should be severely punished. Because of long time investigation, the wrong way of enquiry and also the wrong approach of the police, most of the women hesitate to give any complaints for sexual harassment. If they give complaints only few of the accused get punished others escape from the punishment. The Government of Tamil Nadu has created several women related institutions to address the issues concerning violence against women. These include women police stations, free legal aid boards and family counseling centres. In these activities, the Government is also associating Non-Government Organizations. Several legal reforms are suggested related to divorce, remarriage and domestic violences.

2.8 Acknowledgement

I hereby declare that the research article entitled "Sexual Violence against Women and Remedies in Tamil Nadu" is my original and independent work.

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