



VIOLATION OF DIGNITY OF WOMEN AND ITS PROTECTION: A STUDY BASED ON INDIAN PERSPECTIVE

CMA Sandip Basak, Sayani Sikdar

M.PHIL Scholar, P.HD Research Scholar

Department of Commerce

University of Calcutta, Kolkata, India

Abstract: Violence against women and girls is a grave violation of human rights. Its long-term consequences ranges from multiple physical, sexual and mental consequences for women and girls including death. Violence against women not only affects the women general well-being but also affects their families, communities and the country at large. Laws have been enacted against domestic violence, sexual assault and other forms of violence in many countries but challenges remain in how these laws have been implemented till now. But result shows that not enough is done to prevent violence and when it does occur, it often goes unreported. From the findings of this study, it is clear that safety of women will remain a concern and will require a prolonged preventive strategy on a positive note. Some of the legislatures, policies and development measures initiated by the previous as well as present Government of India will transform society and strengthen transparency and may possibly bring down the crime rates to zero.

Key Words: Dowry Death, Female Foeticide and Infanticide, Domestic Violence etc.

1. INTRODUCTION

In today's globalized world, each and every nation is supposed to be extremely concerned about the welfare of the entire world. But in so many times, the key factor to fulfil such a valuable aspiration remained or remains to be unidentified. And undoubtedly that particular and specific key factor is 'Women' which is the prime basis to uplift the welfare of a nation. Basically, a nation can never step forward if the women are not properly taken care of. Etymologically, the word 'Woman' means 'Half of Man'. It signifies that man and woman are closely associated with each other just like heart and soul. Naturally the most valuable part of the society i.e. 'Women' needs to be respected. As per Indian Constitution, several rights are there to show the dignity of a woman but the entire nation is confronting a challenge regarding how to protect the dignity of a woman. This study shows the ways through which the dignity of women have been violated and how their dignity again can be restored.

2. PROBLEM ANALYSIS

Indian society has always revered women. Historically Indian women has been made to adopt contradictory roles. On one side, traditional roles of women demands nurturance as daughters, mothers, wives and daughter-in-laws. On the other hand, the stereotypes of a weak and helpless woman is fostered to ensure a complete dependence on the male sex.

Violence against woman occurs throughout the life cycle from pre-birth, infancy, childhood, adolescence, adulthood to senescence (the condition or process of deterioration with age). Most of the data and records of violence against women are unreliable as many cases go unreported.

Though violence against women occurs in all cultures and societies, its frequency varies across countries. Violence against women is a consequence of gender inequality and it prevents women from fully advancing in society. Naturally it is a quite hard challenge in front of the entire nation inclusive of male sex specially to provide an appropriate protection to the most precious part of the society i.e. women.

3. LITERATURE REVIEW

Any research on civilization never gets finished without study of the status and position of women in it. From the archive of the ancient Indian history, it is well known that women are the key base in the way of construction of Indian civilization. The glory of Indian culture gets darkened if the contributions of the women towards the nation are intentionally disregarded. Here, in the following, some researchers' opinions are given:

- **Vikas and Rajnish (2014)** in their study examined that in Indian society, there is very little value for the fact that in the totality of things, men and women have different qualities, they are complementary to each other and their relationship should not be one of superior and subordinate. As compared to man's greater muscle power, women have greater capacity to care and nurture. Women live longer and can withstand more stress. They have more patience, perseverance and tenacity. They have fewer egos and more capacity to give service.
- **Rekha (1998)** illustrated that women in India have distinguished themselves as teachers, nurses, air-hostesses, booking clerks, receptionists and doctors due to the result of providing freedom to them. They are also participating in politics and administration. In spite of this amelioration in the status of women, the evils of illiteracy, dowry, ignorance and economic slavery should be fully removed in order to give them their rightful place in Indian society.
- **Abishek and Gayathri (2018)** in their study revealed that women have a significant role in the development of a society and society itself has some significant roles for the liberation of women from male commanded society.
- **Divya (2017)** opined that women deserved respect from the entire society as they played different roles which were not an easy task. That is why rights of women are very necessary and Indian Law is strong enough to protect her from any kind of harassment and torture. She also stated that in order to ensure adherence to constitutional provisions for women welfare, there was a need to enact specific laws by the State and Central Government.

- **Sutapa (2014)** concluded that the Millennium Development Goal on gender equality and women's empowerment can be realized in India only when the traditional practices like female infanticide, dowry deaths, honour killings by khap panchayats, domestic violence or sexual abuse is eliminated. It is only then that gender equality and women's empowerment can become a reality.
- **Salagare (2015)** stated that a nation's progress depends on the advancement of the status of women. Greater representation of women in the political arena can reaffirm the lost faith and dignity of women. Women's rights will be safeguard in a society where individuality of women is properly recognized. The author also stated that in order to attain the equality between women and men, 'Gender Discrimination' should be removed permanently from the society.

4. OBJECTIVES OF THE STUDY

This study analyses only two objectives which are as follows:

- To show the different aspects where the dignity of women are violated extremely.
- To study the ways that can protect the rights and dignity of women and restore the same when it is absolutely violated.

5. ANALYSIS OF PRESENT STATUS OF WOMEN IN INDIA

Legally a female is recognized as a woman after she has crossed the stage of her childhood and adolescence. The woman is the most precious part of the society. Women are the key factor for the purpose of the progress of a nation. Naturally Constitution of India provides various rights to the women as Indian constitution is rigorously concerned about the rights of female sex and due to protect their rights Government of India provides several acts which can deliberately help the women to enjoy their rights without any hesitation. Some of those rights are listed down in the below:

- **Article 15(1):** The State shall not discriminate against any citizen on ground of sex.
- **Article 15(3):** Nothing in this article shall prevent the State from making any special provision for women and children.
- **Article 16(2):** No citizen shall be discriminated against or be ineligible for any employment or office under the State on ground of sex.
- **Article 39(a):** The State shall direct its policy towards securing that the citizens, men and women equally have the right to an adequate means to livelihood.
- **Article 39(d):** The State shall is required to ensure that there is equal pay for equal work for both men and women.
- **Article 39(e):** The State shall ensure that the health and strength of women are not abused.
- **Article 42:** The State shall make provision for securing just and humane conditions of work and for maternity relief.
- **Article 51A(e):** It shall be the responsibility of every citizen of India to renounce practices derogatory to the dignity of women.

Despite of having several rights, it is quite unnatural that the dignity of women has been consistently violated over the years in this male-dominated society. Some of the aspects where the dignity of women is strongly violated intentionally or unintentionally are illustrated in the below:

- a) **Dowry death:** If the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband in connection with any demand for dowry, such death is called as 'Dowry death'.

The Indian National Crime Records Bureau (NCRB) reported that there were 8331 dowry death cases registered in India in 2011 which means a bride was burnt every 90 minutes or dowry issues cause 1.4 deaths per year per 100000 women in India. It is much more common in Hindu and Sikh communities in Northern India.

- b) **Female foeticide and infanticide:** Female foeticide is the process of finding out the sex of the foetus and undergoing abortion if it is a girl. On the other hand, female infanticide means to kill the girl child after she is born.

Official reports stated that thousands of women die every year due to complications resulting from unsafe abortions. At least 1,27,71,043 sex-selective abortions had taken place in India between 2000 and 2014. It takes the daily average of sex-selective abortion to 2332. But still now proper data regarding female infanticide is not available.

- c) **Sexual harassment at the workplace:** Sexual harassment is unwelcome sexual behaviour which could be expected to make a person feel offended, humiliated or intimidated. It can be of physical, verbal or written form.

According to the official report, the number of cases of sexual harassment in the workplace registered in India boosted up to 54% from 371 cases in 2014 to 570 in 2017. It is considered as a serious issue in today's globalized world.

- d) **Domestic violence:** There is no standard definition of domestic violence against women. But in 1993, the United Nations Declaration on the Elimination of Violence Against Women defined domestic violence as "Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation".

As per official records, 31% of married women have experienced physical, sexual or emotional violence by their spouses. The most common type of spousal violence is physical violence (27%) followed by emotional violence (13%).

- e) **Rape:** Rape is a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration carried out against a person without that person's consent. Now a day, it becomes a serious issue in India. This is the most pathetic incident which can strongly disregard the dignity of women.

According to the NCRB data, 4,15,786 rape cases were reported across India between 2001 and 2017. On average, 67 women were raped every day across the country during these 17 years or in other words, about three women had been raped every hour.

6. DATA ANALYSIS AND PRESENTATIONS

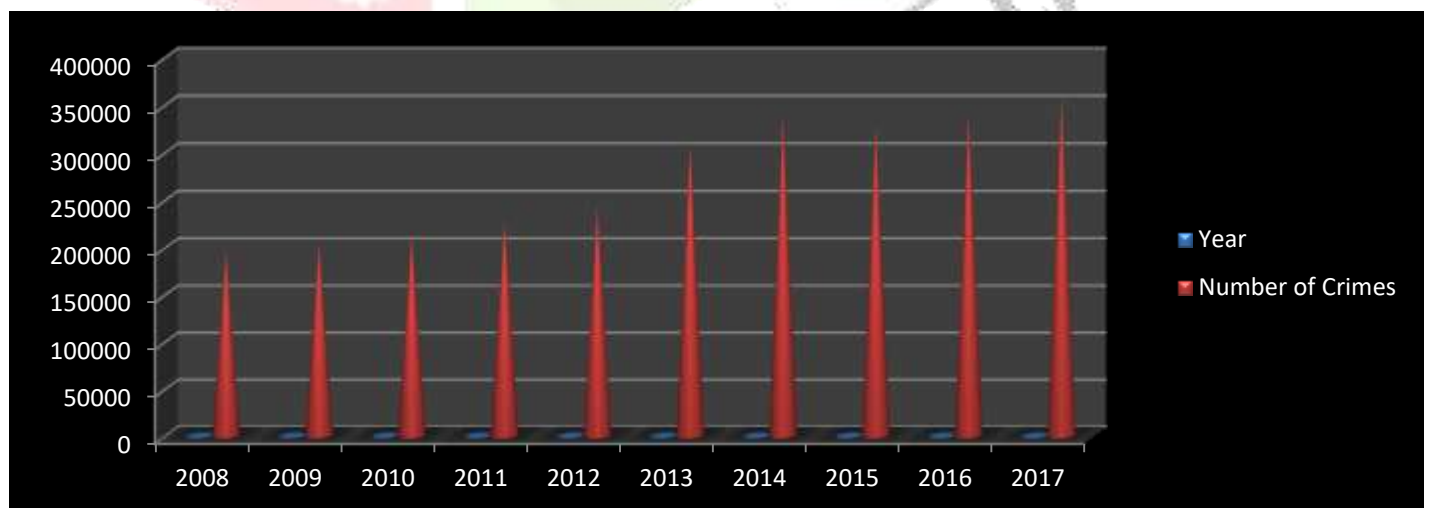
This study is purely based on secondary data taken from the reports published by National Crime Records Bureau (NCRB) which is an Indian Government Agency responsible for collecting and analyzing crime data as defined by the Indian Penal Code (IPC) and Special and Local Laws (SLL). 10 years' data from 2008 to 2017 have been collected. Based on content analysis method, total number of crimes against women throughout all over India from 2008 to 2017 has been recorded in the following table. On the basis of recorded data, rate of increase in the crimes level have also been identified.

TABLE: 1 – CRIME AGAINST WOMEN FROM 2008 - 2017

Crime Against Women in States, UTs and Cities			
Year	Number of Crimes	Increase	Rate of Increase (%)
2008	195856	NA	NA
2009	203804	7948	4.058
2010	213585	9781	4.799
2011	228650	15065	7.053
2012	244270	15620	6.831
2013	309546	65276	26.723
2014	339457	29911	9.663
2015	329243	-10214	-3.009
2016	338954	9711	2.949
2017	359849	20895	6.165

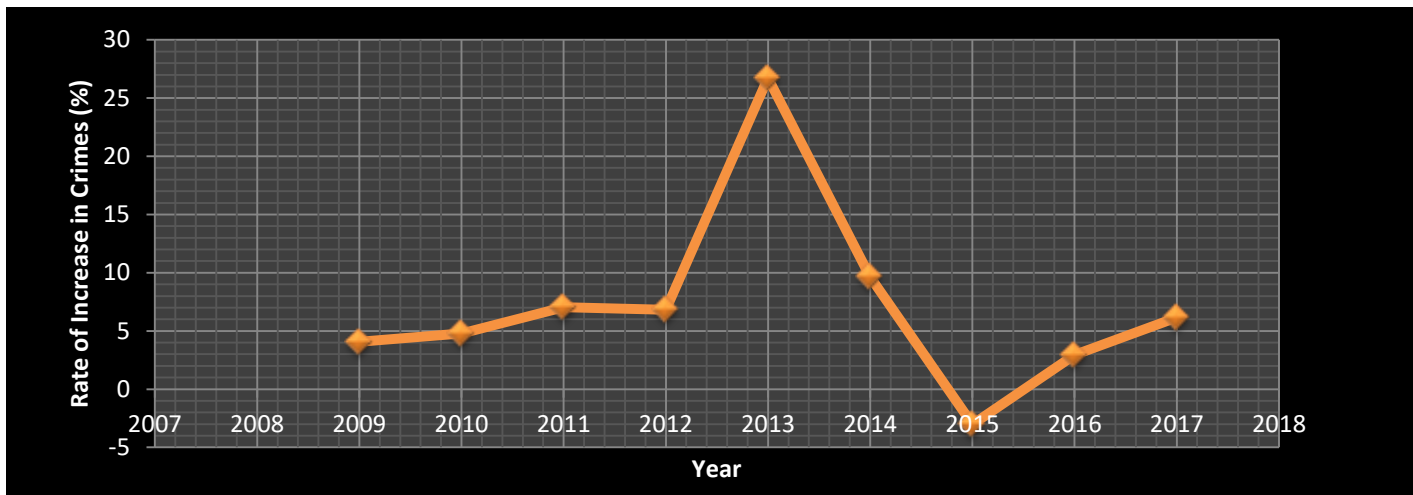
Source: NCRB Reports

FIGURE: 1 – NUMBER OF CRIMES AGAINST WOMEN FROM 2008-2017



Source: Presentation by the Researchers

From the Figure: 1, it is quite clear that number of crimes against women in India has continuously been increasing over last 10 years. From 2013 onwards, it has been drastically jumped to a higher level and it has sustained to that level upto 2016 and again raised in 2017.

FIGURE: 2 – RATE OF INCREASE IN CRIMES FROM 2008-2017

Source: Presentation by the Researchers

Figure: 2 reveals that the rate of increase in crimes against women has been steadily rising over the years but it has achieved its peak in the year 2013, then rapidly dropped in 2014 and significantly continuing to be dropped in 2015 but again it raised in 2016 and 2017 consecutively.

7. PROTECTIONS IN FAVOUR OF WOMEN

In order to protect the violations against women and for the protection of rights and dignity of women, there are several rules and regulations framed and enacted by Indian Legal System. A glimpse of such protections is discussed below:

➤ **The Immoral Traffic (Prevention) Act, 1956**

The main objective of this Act is to protect the women trafficking for the purpose of sexual exploitation or forcing them to engage in prostitution.

➤ **The Dowry Prohibition Act, 1961**

The purpose of this Act is to prevent the giving or taking of dowry. It not only penalizes this act but also makes the act of demanding dowry an offence.

➤ **The Medical Termination Of Pregnancy Act, 1971**

This Act provides for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto.

➤ **The Hindu Succession Act, 1956 With Ammendment In 2005**

This Act provided for equal inheritance rights to women for the first time. It abolished the concept of limited estate of women.

➤ **The Protection Of Women From Domestic Violence Act, 2005**

Domestic Violence Act meant to provide for more effective protection of the rights of women guaranteed under the Constitution who are victim of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.

➤ **The Commission Of Sati (Prevention) Act, 1987**

Its objective is to prevent the practice of Sati and the glorification of such an Act. An attempt to commit sati is also punishable under certain circumstances.

➤ **The Sexual Harrassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013**

This Act provides the protection to the women from the sexual harassment in the working place.

➤ **The Criminal Law (Amendment) Act, 2013**

This Act provides the stringent punishment to the person committing offence against women.

8. CONCLUSIONS & RECOMMENDATIONS

After an overall analysis of violence against women, the question that comes into the mind often is 'Why'. Despite all the progressive ideals defining the concept of women empowerment, it is still unanswered that why women have been suffering from such social attitudes. Though the answer lies within the respective Indian societies itself, but still the solution to this problem is untreated and often unnoticed.

On March 8, 2018, women across the world declared #MeToo more than a hashtag to say through their actions that the time is up for gender injustice.

It's time that women –

- ✓ **Support one another.**
- ✓ **Raise voice against any injustice.**
- ✓ **Share the workload and the responsibility of creating safe environment.**
- ✓ **Educate oneself and also the next generation.**
- ✓ **Give some time in gender equality conversation to reach everyone.**

For an Indian women and citizen, freedom does not just mean these guaranteed under the constitution. To ensure that women are empowered, the Government and the Public Sector need to play important roles to enable their welfare in various sectors.

Previous Government along with Existing Government with the help of some Public and Private sectors are breaking new ground and improving the lives of women and encouraging them to think big, both in urban and rural areas. Some of those steps are:

➤ **Beti Bachao Beti Padhao Yojana**

The Government launched this Yojana in 2015 with an aim to generate awareness in the society of educating the girl child.

➤ **Mahila E-Haat**

This was launched in 2016 under the purview of the Ministry of Women and Child Development to help aspiring women entrepreneurs, self-help group and NGO to showcase their products and services.

➤ **Mahila Shakti Kendra**

It was launched in 2017 to empower rural women in all aspects of life.

➤ **Working Women Hostel**

It is another initiative of the Government to ensure availability of safe, convenient, accommodation for working women in urban, semi-urban and rural areas.

➤ **Support To Training And Employment Programme For Women (STEP)**

This STEP scheme was set up to provide skill to women so that they can take up gainful employment being open to every women above the age of 16.

➤ Sukanya Samriddhi Yojana

This is Government-backed savings scheme for girl children.

Considering all the facts and figures relating to the legal protection and empowerment of the women and girl child, it is the responsibility of the entire society to change its conventional attitude towards women and stand by the female sex in every aspects as much as possible to make them feel that this nation is still safe for them.

REFERENCES:

1. Bulsara, H., Chandwani, J., and Gandhi, S. (February, 2014). Women Entrepreneurship and Innovations in India: An Exploratory Study. International Journal of Innovation – IJI, 2(1), Page: 32-44. Doi:10.5585/iji.v2i1.2
2. Parashar A. Women and family law reform in India. Uniform Civil Code and Gender Equality. New Delhi, India. Sage Publications, 1992, 348.
3. Agnes, Flavia. Law and Gender Inequality: The Politics of Women's Rights in India. New Delhi, India: Oxford University Press, 1999.
4. Women's Empowerment in India: An Analytical Overview; The Asia Foundation.
5. Women Security and Legal Safeguards in India: Journal of Business Management & Social Sciences Research (JBM&SSR), ISSN No: 2319-5614, 2013; 2:4
6. Saryal Sutapa. Women's Rights In India: Problems and Prospects. International Research Journal of Social Sciences. ISSN: 2319-3565. Vol. 3(7), 49-53, July (2014).
7. Salagare. B. Status of Women's Rights in India. International Journal of Arts, Humanities & Social Sciences Status. ISSN: 2348-4349. Page: 1-6. December (2016).
8. Das Jogendra. Reflections On Human Rights And The Position Of Indian Women. The Indian Journal of Political Science. Vol.64 Page No. 203-220. July-December (2003).
9. Divya. M. A Study On The Rights And Privileges Of Women In India. IOSR Journal of Humanities And Social Science (IOSR-JHSS). e-ISSN: 2279-0837. Vol: 22. Issue: 7, Ver: 13. July (2017).
10. <https://sheroes.com/articles/women-rights-india/NzExNg==>
11. https://www.researchgate.net/publication/323825501_Women's_Rights_in_India
12. https://www.researchgate.net/publication/290691292_Legal_status_and_rights_of_women_in_Indian_constitution
13. <https://edugeneral.org/blog/polity/women-rights-in-india/>
14. <https://www.indiatoday.in/education-today/gk-current-affairs/story/11-women-rights-india-312263-2016-03-08>
15. <https://pib.gov.in/newsite/mbErel.aspx?relid=116782>
16. http://www.legalserviceindia.com/laws/women_issues.htm
17. <http://ncrb.gov.in/>
18. <https://data.gov.in/ministrydepartment/national-crime-records-bureau-ncrb>
19. <https://www.india.gov.in/official-website-national-crime-records-bureau>
20. <https://www.unwomen.org/en/what-we-do/youth/action-on-ending-violence-against-young-women-and-girls>

21. <https://www.womankind.org.uk/policy-and-campaigns/women's-rights/violence-against-women>
22. <https://www.globalfundforwomen.org/womens-human-rights/>
23. <https://www.theguardian.com/commentisfree/2018/apr/27/india-abuse-women-human-rights-rape-girls>
24. https://en.wikipedia.org/wiki/Violence_against_women_in_India

