

## THE STIFLED VOICES: VIOLENCE AGAINST WOMEN

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It's unfortunate, that we live in the part of a world where women do not want to wake up from sleep, where offences like rape are feared more than death, where 1000 mouths are stuffed and words are shoved.

Brutish is the world that leaves tyranny at the hands of men and female voices carried away into silent screams of delirium. Newspapers are flooded and the world talks about sexual assault, but still, rapists go Scott free on the ground no marks on his penis, whereas a ruptured hymen and bite marks on the victim's body sum up to no resistance. Dating back to history during the early vedic period women were dignified and offered a respectable status in the society, women hood was considered an honourable position, moreover there was sheer agony against the dowry system. In fact the "ladies first" concept was also introduced during the manusmriti tenure. With passage of time the position of women got polluted and eventually deteriorated where they were denied education, were overloaded with responsibilities, a girl child was seen as a burden on the shoulders of the family. Besides this motherhood had been magnified as indemnity of an imposed reality of life in which women were merely consummated for a male progeny. The contribution of women towards the society was overshadowed by that of men. Self-sacrifice for the benefit of male members started to be considered as a women's duty.

Violence against women is not a recent concept it has been considered a game of power relations between male and females since time immemorial, rather it dates back to history in ancient epics like *Mahabharata* and *Ramayna*. Practices or commonly called *prathas* like devdaasi where women were abused in the name of god in certain parts of the country, the

infamous practice of sati where the female had no individual identity without a male and burnt herself alive with the body of the husband and the list is endless.

Women succumbed to societal pressures and the roles assigned to them however with the onset of feminist movements around the world the need for gender equality came to light, it was realised that where there are laws framed for betterment of the society there should also be laws for protection of people.

In this era, each and every citizen has the right to choose and remain safe. The constitution of India expresses that every individual or single person is equal before the law. So why it is not recognised and practiced in real life? Women and girls must be allowed to obtain choice of career, healthcare, education, choice of marriage partner or to remain single for lifetime. Fundamental rights must be respected and expressed freely. Education is the need of the hour to eliminate interdiction around the issues and create general awareness among men to recognise and understand about boundaries, respect and assent that they do not violate women's rights.

Nirbhaya, Shakti Mills and Anjana Mishra are just a few examples in the endless list of cases that take place every day, many of which are not reported in the fear of being desolated from society. How can the world sleep with the thought that every few minute's countless daughters are subjected to violence incognizant without their consent? Women are conditioned to stay behind the bulwark at a very tender age because the world is not that pleasant a place to be.

If the executioners of the crime are seized on the bedrock of the evidence of survivor the other phase of wound begins. The same kind of situation arose in the case of Shakti Mills rape case where a group of men approached 22-year-old photojournalist and her colleague, stones were being thrown on them by the near railway station and took pictures of an empty textile mill. The woman was raped and her colleague was beaten. The rapists gave them threats that if they approached and reported police about this incident, the videos of the rape will be exposed out in the social media. Nevertheless, the woman immediately decided to go to the nearby hospital and got her medical examination done. In 2013, within a year after the uproar that followed the gang rape which took place in Delhi. Thereafter the Verma committee report bought up changes in the rape law and it was entrenched that any hospital whether be public or private, if the

medical examination of any rape survivor has been examined it should be urgently confirmed to the police.

When the news of this rape came up, another incident took place where an eighteen-year-old woman was gang raped by the same group as in the case of shakti mills. As a result, police charged all the three men death penalty for being the repeated offenders, under section 376E of the Indian penal code. On 3<sup>rd</sup> June, 2019 the Bombay High Court validated the death penalty.

After the incident of Nirbhaya, it made a shock to our country leading to development in laws for women and the significant role played by the judiciary for administering the justice to Nirbhaya. Nirbhaya is incognito used for rape survivors. On December 16, 2012, the girl and her friend while returning from movie theatre, were waiting for the bus. After they boarded any empty bus consisting of six culprits who just not brutally gang raped, her body was mangled up which is beyond human imagination. Her private parts were dismembered and the intestine was pulled out. Later, on December 29, 2012, she died due to internal bleeding, cardiac arrest and multiple organ failure.<sup>i</sup>

Everyone was scandalized due to this frightful incident. Solidarity movements, Candle light march pasts and protests took place. India has always been ill famed regarding the issues of safety for women. Several women movements and feminists gained strength and became stimulant. The governments of various states and declared ongoing steps to ensure the safety and protection of women. Government of Karnataka provided a 24/7 helpline number to help women listing complaints regarding sexual abuse. Building up fast track courts to provide assistance in legal aid to survivors and disposing off the pending cases. The government of Jammu and Kashmir asked to bring out the changes in state laws related to sexual offences.

According to the latest reports, Post- Nirbhaya changes in law did not relent outcome due to impoverished execution. The 2013 amendment brought changes to different segments of the Code of Criminal Procedure, Indian Penal code, Protection of Children from Sexual Offences Act and the Indian Evidence Act. The amended laws expressed that the culprit can be severely punished with the imprisonment for term not less than 20 years which may extend to life. It also provided that the offenders can be hanged to death penalty for repeated offences. It elucidated acid attack as a crime apart from that the victim has right to self-defence. The evildoers of acid attacks are bounded by the imprisonment of 10 years.

It is misfortune that rapes take place on daily basis where some of them are reported and the rest remains unreported. It is immoral and sinful that has no boundaries. It exists in each and every corner of the world from a three-year-old kid to an eighty-year-old woman. Rape and sexual harassment have become a norm be it in homes, workplaces, parties. The rape victims are left to be embarrassed and humiliated throughout the life. Some of them spend their entire life on ventilators or are burnt alive.

What is a graver offence? Murder that destroys the physical frame or rape that vandalizes an innocent soul. Statistics grow at an alarming rate from no rapes to one molestation every 26 minutes. Which also includes molestation cases by police officials, fathers raping their own daughters and traces of marital rape that unfortunately is no more a criminal offence. It is saddening to see the supposed protectors of law and order perpetuate the same offences against women that are abhorred by the very system. Families are the institutions that protect, provide and nurture the children and it indeed is the very same institution that became an extremely insecure place for women.

As the world is surrounded with the coronavirus outbreak, there exists degrees of shutdowns, social distancing, lockdowns, curfews etc, it has been observed a tremendous increase in the reported case of Domestic Violence. The National Commission of Women has received so many complaints during this period which were mostly from North India.

Majority of the women does not know about NCW and even if they know, how to avail the support and service from them. Due to lockdown the postal services were halted and most of the cases were conveyed by post. The only way to seek help was from Police station which is in turn considered the worst place for seeking help in such a case. Opposed with the police's outmoded counselling methods and ensconced patriarchal perspective, the survivors left themselves to carry on living with their offenders.

The Protection of Women from Domestic Violence Act, 2005, empowers women to lodge complaints against their offenders to provide with shields, shelters, maintenance, compensation. It takes year to pronounce the judgement by the court. How can a victim can have access to this machinery where the nation is in lockdown? Women are fastened with the criminals. Legal provisions apart, the actuality is that even in normal days, women often struggle with the cases on their own without the assistance of State. State commissions do not

provide shelters for children and women who have been the survivors of the violence. The end result is that women are left with two troubling phases that is subject to the indifference of the State or to resume with violence at home.

Dowry violence is a growing concern and serious problem still being practiced in rural areas that influences the way of living for girls and women. Dowry includes goods, money, property or gifts designated to the groom by the bride's member that may be before, during or after the marriage. It is believed that "greater the dowry is, better the status in the family."<sup>ii</sup> Since large dowry acts as status symbol, women's value is accommodated with the value of dowry rather than equating with valuation as a living person. The utility of dowry is not only concerned with the family status but also with the physical appearance and education. Productively, dowry dehumanizes the status of women.

The U.N. Division for the Advancement of Women defines dowry-related violence or harassment as "any act of violence or harassment associated with the giving or receiving of dowry at any time before, during or after the marriage."<sup>iii</sup>

Dowry is still exercised and operational in various segments of the sphere, widespread in Sri Lanka, Pakistan, South Asia, Bangladesh and India. Dowry violence includes wife burning by kerosene or set on fire, marital rape, acid attacks, physical violence. Victims of dowry violence needs indistinguishable assistance of domestic violence. Emergency services, health care, support programs, medical care, legal assistance and transport to shelters are the essentials which is required by the survivors.

Due to fear of vengeance, survivors of the violence do not lodge the complaint to the legal authorities and are indecisive to report. Additionally, family members do not report the problem of dowry-death with the terror of incriminated in the ferocity. The major problem is that there is low reporting of cases. In India where the legislative policy regarding dowry violence is strict, involving the investigations done by police could out turn in charging to the female's family or imprisoned for handing over the marriage settlement or dowry. The case of under reporting further becomes intricately when the deaths or wounds are misrepresented as suicides or kitchen mishaps.

The UN Declaration on the Elimination of Violence against Women (defines violence against women as: "...any act of gender-based violence that results in, or is likely to result in physical,

sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.<sup>iv</sup> This statement defines violence as acts that cause, or have the potential to cause harm, and by introducing the term “gender based” emphasises that it is rooted in inequality between women and men.

The Thomas Reuters Foundation expert poll in 2011, reported that India is the fourth most dangerous country in the world after Afghanistan, Congo, and Pakistan. “Female foeticide,” child marriage and high levels of trafficking and domestic servitude make India the world's largest democracy the fourth most dangerous place for women.

One hundred million people, mostly women and girls, are involved in trafficking in one-way or another, according to Madhukar Gupta former Indian Home Secretary.

Up to 50 million girls are “missing” over the past century due to female infanticide and foeticide. 44.5% of girls are married before the age of 18.<sup>v</sup>

Even if the laws are amended and nourished, will it be unchallenging for survivors to have a fair play and seek justice? It is undeniable of the fact that changes bought in law have been growing, progressive and crucial. The amendments made in the legislations have been possible due to public militarisation who put pressure on the government to act so. It's not that one amendment in law concerning to violence against women made realise the lawmakers to bring changes in it. Unfortunately, the problem remains in the India's criminal justice system which hampers the most effective laws and still remains unexamined.

In order to ameliorate the contemporaneous situation of women's welfare in India the very foremost thing is to change the mind set of people and create general awareness among them. The need of fast track courts to hear the cases and investigations should be done on immediate purposes. Making of strict laws cannot help in solving this problem, there should be strong implementation of these laws which can help in solving these issues.

How long will it take to change this mindset or will things remain the same till eternity? Will the authorities always seek political mileage or even try to sooth the scars carved in the flesh. Will the fervour of a molested women's voice trying to stand for herself be called uncharted or try to emancipate her? Will the society ever come to terms with the fact that no means no and

unlawful practices like devadasi (jogini) need to stop in the name of god. Question's that have remained unanswered for decades now seek an answer. Drafting and amending heaps of laws will not provide any semblance of hope to the society unless they are implemented and strengthened at the root because the ultimate objective of law is justice.

## BIBLIOGRAPHY

1. <http://ncw.nic.in/important-links/List-of-Laws-Related-to-Women>
2. <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1575574>
3. <https://www.hindustantimes.com/mumbai-news/shakti-mills-gang-rape-case-law-amended-punishment-enhanced-to-prevent-rape/story->
4. <https://www.scconline.com/blog/post/tag/nirbhaya-case/>
5. <https://indiankanoon.org/doc/68696327/>
6. <https://www.indiacode.nic.in/handle/123456789/2021?locale=en>
7. <https://www.aljazeera.com/indepth/features/2016/07/halting-blow-domestic-violence-india-160701121800822.html>
8. <https://www.thehindu.com/opinion/op-ed/womens-safety-during-lockdown/article31324318.ece>
9. <https://www.vox.com/first-person/2017/2/6/14403490/dowry-india-bride-groom-dilemma>
10. <https://nagalandexpress.com/nagaland/issues-on-womens-safety-during-covid-19-lockdown-period>

## REFERENCES

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<sup>i</sup> (2017) 2 SCC (Cri) 673]

<sup>ii</sup> Sadia Gondal, *The Dowry System in India: Problem of Dowry Deaths*, 1 J. Indian Stud 37, 37 (2015).

<sup>iii</sup> U.N. Division for the Adv. of Women, Good Practices in Legislation on 'Harmful Practices' Against Women 20 (2009).

<sup>iv</sup> Available at <https://jech.bmj.com/content/59/10/818#ref-2>

<sup>v</sup> Available at <https://in.reuters.com/subjects/specialReports>