

## **Violation against Indian Women and Human Rights**

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**Abstract:** *Violence against women in India is an issue rooted in societal norms and economic dependence. Female feticide, domestic violence, sexual harassment and other forms of gender-based violence constitute the reality of most girls' and women's lives in India. In our society, many women are violently treated by their intimate partners while they suffer in silence. Violence against women in its various forms is a violation of human rights. It deprives women of their ability to enjoy fundamental freedom. It is an obstacle to equality and rights. Violence against women intersects with multiple forms of discrimination.*

**Key Words:** *Female feticide, domestic violence, sexual harassment.*

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### **I. Introduction**

**“Sarve Bhavantu Sukhina, Sarve Santu Niramaya, Sarve Bhadarani Pashyanti Ma Kdashchid Dukhbhag Bhawet”**

These lines are recognized the rights of all human beings throughout the nook and corner of the world irrespective of caste, color, creed, sex, country or region to have good quality of life. We envision human rights for women as the collective rights of a woman to be seen and accepted as a person with the capacity to decide or act on her own behalf and to have equal access to resources and equitable social, economic and political support to develop her full potential exercise her right as a human being and to support the development of others. A person is born male or female but the society teaches him/her what it means to be a man or woman. It teaches, generally, that man and woman are not equal and therefore gender discrimination is required to care and protect women at all cost and in all occasions. This differentiation for the positive reasons has turned out to have negative impacts like suppression, violence and denial of equal opportunities. In India the male dominate everywhere and gender discrimination is customized habitually.

The role of health professionals in providing care for the survivors can be better understood and addressed from the perspective of the WHO definition of ‘health’, which defines it as ‘an individual’s state of physical, mental and social well-being’. Through a report by World Health Organization study it has been noted that more than a third of all women worldwide are victims of physical or sexual violence, and this is definitely posing a global health problem. Majority of women are attacked or abused by their husbands or boyfriend. The report, co-authored by Watts and Claudia Garcia-Moreno of the WHO, found that almost two fifths (38%) of all women murder victims were murdered by intimate partners, and 42% of women who have been victims of physical or sexual violence by a partner have injuries as a result. The brutal gang rape in December of a 23-year-old woman on a bus in New Delhi generated a global turmoil and protests in India asked for better policing of sex crimes. There are hundreds of women every day who are being raped on the streets and in their homes, but that doesn't make the headlines. Before the 1990's, violence against women was considered a personal matter and not a human rights issue of concern to the international community.

International UN conferences, including Beijing in 1995, and more recently the 57th session of the Commission on the Status of Women, have endorsed the commitment to eradicate violence through the promotion of women's empowerment and equality in fields such as education, labor, health, and participation in all spheres of public life. The status has changed a lot over the past few millennia. The history of women in India has been eventful from equal rank with men in ancient times through the low points of the medieval period to the advancement of equal rights by many activists. In Current Scenario in India, women have held high offices and ranks such as President, Prime Minister, Speaker of the Lok Sabha and leader of opposition in India, CEO of Various Indian and Multinational companies. However, women in India continue to face violence such as rape, acid throwing, and dowry killings while young girls are forced into prostitution. Women in India now contribute fully in areas such as education, sports, politics, media, art and culture, service sectors, science and technology, etc. Indira Gandhi, who served as Prime Minister of India for an aggregate period of fifteen years, is the world's longest serving woman Prime Minister.

The Government of India declared 2001 as the Year of Women's Empowerment. The National Policy for the Empowerment of Women came was passed in 2001. In 2010 March 9, Rajya Sabha passed the Women's Reservation Bill requiring that 33% of seats in India's Parliament and state legislative bodies be reserved for women to kept reserved for Women.

In India where the almighty is worshipped in feminine form as **Shakti** by many crimes against women, in spite of all the constitutional safeguards, is becoming common place and is on the increase. Violations of human rights are not simple individual acts of violence. Such violence are generated by developmental models also which are weighted in favor of the state or those in power and are against poor, the minorities and women.

Violence against women is partly a result of gender relations that assumes men superior to women. Given the subordinate status of women, much of gender violence is considered normal and enjoys social sanction. Manifestations of violence include **physical aggression, such as blows of varying intensity, burns, attempted hanging, sexual abuse and rape, psychological violence through insults, humiliation, coercion, blackmail, economic or emotional threats and control over speech and actions.** These expressions of violence take place in a man-woman relationship within the family, state and society. Usually, domestic aggression towards women and girls, due to various reasons remain hidden. Cultural and social factors are interlinked with the development and propagation of violent behavior. With different processes of socialization that men and women undergo, men take up stereotyped gender roles of domination and control, whereas women take up that of submission, dependence and respect for authority. A female child grows up with a constant sense of being weak and in need of protection, whether physical social or economic. This helplessness has led to her exploitation at almost every stage of life.

The family socializes its members to accept hierarchical relations expressed in unequal division of labor between the sexes and power over the allocation of resources. The family and its operational unit is where the child is exposed to gender differences since birth, and in recent time even before birth, in the form of sex-determination tests leading to feticides and female infanticide. The home, which is supposed to be the most secure place, is where women are most exposed to violence. Violence against women has been clearly defined as a form of discrimination in numerous documents. The World Human Rights Conference in Vienna, first recognized gender-based violence as a human rights violation in 1993.

In the same year, United Nations declaration, 1993, defined 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 a woman, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life”. (Cited by Gomez, 1996)

Radhika Coomaraswamy identifies **different kinds of violence against women**, in the United Nations’ special report, 1995, on Violence against Women;

- a) 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.
- b) Physical sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- c) Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.

Coomaraswamy (1992) points out that women are vulnerable to various forms of violent treatment for several reasons, all based on gender.

- 1) Because of being female, a woman is subject to rape, female circumcision/genital mutilation, female infanticide and sex related crimes. This reason relates to society’s construction of female sexuality and its role in social hierarchy.
- 2) Because of her relationship to a man, a woman is vulnerable to domestic violence, dowry murder, and sati. This reason relates to society’s concept of a woman as a property and dependent of the male protector, father, husband, son etc.
- 3) Because of the social group to which she belongs, in times of war, riots. On the other hand, ethnic, caste, or class violence, a woman may be raped and brutalized as a means of humiliating the community to which she belongs. This also relates to male perception of female sexuality and women as the property of men.

Combining these types of abuse with the concept of hierarchical gender relations, a useful way to view gender violence is by identifying where the violence towards women occurs. Essentially, violence happens in three contexts – the family, the community and the state and at each point, key social institutions fulfill critical and interactive functions in defining legitimating and maintaining the violence.

- 1) The family socializes its members to accept hierarchical relations expressed in unequal division of labor between the sexes and power over the allocation of resources.
- 2) The community (i.e., social, economic, religious, and cultural institutions) provides the mechanisms for perpetuating male control over women’s sexuality, mobility and labor.

- 3) The state legitimizes the proprietary rights of men over women, providing a legal basis to the family and the community to perpetuate these relations. The state does this through the enactment of discriminatory application of the law.

The Fourth Conference of Women, 1995 has defined violence against women as a physical act of aggression of one individual or group against another or other. Violence against women is any act of gender-based violence, which results in, physical, sexual or arbitrary deprivation of liberty in public or private life and violation of human rights of women in violation of human rights of women in situations of armed conflicts. (Conference on Women, Beijing, 1995 Country Report).

Violence against women, regardless of the nature of the perpetrator, an individual, group, institution, the state or society, as a human rights violation and is treated as such, whether it happens in the home, within the family or outside of it.

The violence of women’s human rights takes many forms such as:

1. Sexual or Physical and Psychological assault or harassment.
2. Female feticides and infanticide
3. Abortion
4. Female circumcision, and
5. Dowry deaths. Sati and denial of her autonomy over her own body.
6. Forced Prostitution

**In the economic sphere**, the violation has been manifested in the use of women to boost the economy and their state of powerlessness. They have suffered humiliation on the process. In the economic sphere, women’s exploitation takes place in the forms of:

1. Labor exploitation and denial of rights to organize.
2. Problems of migrant women laborers.
3. Land grabbing by powerful sectors.

In the family planning system too, the problem control methods also impose the responsibility for human reproduction solely on women. The following institution and relationship have been cited as having been historically used to restrict women’s activity and maintain subordination of women.

1. The Family,
2. Marriage,
3. Religion,
4. Cultural Traditions,
5. Government Development Models,
6. The policies, laws and laws enforcement agencies,
7. The legislative and judicial systems,
8. Multinationals,
9. The educational system,
10. The media and
11. Upper class women who dominate other women and women co-opted by men, in armed struggles that torture or kill others.

Many social and religious practices also are against human rights or women and are a symbol of mental slavery. Inequality in domestic relations is a stark reality. Though the universal declaration of human rights and the Discrimination against Women Convention mandate states to accord complete equality in matters of marriage, divorce, inheritance, ownership of property, etc.

**Domestic Violence against Women** – Domestic violence has been defined as “all actions by the family against one of its members that threaten the life, body, psychological integrity or liberty of the member. The forms of violence commonly found by Ahuja (1998) were slapping, kicking, tearing hair, pushing and pulling, hitting with an object, attempting to strangulate and threatening. Forms of psychological abuse were also found to exist, for instance, verbal abuse, sarcastic remarks in the presence of outsiders, imposing severe restrictions on freedom of movement, totally ignoring the wife in decision-making processes, making frequent complaints against her to her parents, friends, neighbors, and kin much to the embarrassment of the wife. Some of the reasons given by the women were financial matters, behavior with in-laws, back-biting, talking to any male without the liking of the husband, asking for money, preventing him from drinking and husbands personality traits.

One of the main cause why domestic violence prevail and continues is the lack of alternatives among the victims. Women and Children may be economically dependent on abusers. Elderly people and children may feel too powerless to escape. Language or cultural barriers may isolate victims from seeking help. Victims generally feel, it is better to suffer in silence that to be separated from loved ones. They keep hoping for improvement, but it is normally observed that, without help, violence gets worse.

## **II. Recommendations**

- Comprehensive and extensive premarital counseling should be given to intending couples on how to manage their marital relationship.
- There should be public enlightenment through the mass media on the negative effects of domestic violence against women, especially wife battering.
- Religious leaders too should vigorously teach against marital violence in their places of worship.
- Youths should be encouraged and taught to detest and not imitate brutish treatment of wives around them.
- Medical professionals, after physical treatment should refer the victims to counselors and psychotherapists.
- Punishment given to grievously offending husbands should be publicized, so that I can serve as deterrence to others.

### **The scope of violence against women in daily life – Gendercide against women**

The epidemic nature of violence against women has led analysts to identify a ‘gendercide’ – a gender – selective mass killing – targeting women. ‘Gendercide institutions’, or enduring features of human culture and society, lead to large-scale, disproportionate mortality of women. **Women in an Insecure World** analyses some of the key gendercide institutions, such as **female infanticide and feticides, gender based violence and gendered deficits of health care, education and nutrition.**

**Sexual abuse** is defined as “all sexually oriented conduct, commentary or gestures, intentional and repeated, not desired or accepted freely by their object, for whom it is an imposition, a humiliation or attack on their dignity”. (Diaz, 1996) (Adriana Gomez, 1996) The term abuse includes physical as well as non-physical acts. It is institutionalized in various forms, ranging from long hours of labor, often within and outside the home, denial of food, neglect of ailments and verbal abuse to physical violence by the husband and sometimes other family members. Far more difficult to acknowledge are problems caused by the narrow definition of sexuality as a means of perpetuating control over their minds, and bodies in a conjugal relationship. (Fourth World Conference on Women, Beijing, 1995).

In conclusion, violence against women creates a sense of insecurity and fear in the community. The complex issue can be tackled by providing comprehensive care pro-actively. A multi-dimensional and multi-agency team including access to psychosocial support is to be made available to deliver holistic care under one roof in district hospital setting. Also implementing primary prevention programmes such as life skills training program, gender sensitization and sex education in all schools and colleges will go a long way.

### **Consequences of Violence against Women:**

There are varied consequences of domestic violence depending on the victim, the age group, the intensity of the violence and frequency of the torment they are subjected to. The consequences of the domestic violence in detail can be broadly categorized under – the Effect on the victim and the family, Effect on the society and the Effect on nation's growth and productivity.

#### **Effect on the victim and the family**

**Physical Effect** - Bruises, broken bones, head injuries, lacerations and internal bleeding are some of the acute effects of a domestic violence incident that require medical attention and hospitalization (Jones, 1997). Violence relationship experience greater risk of miscarriage, pre-term labor and injury to or death of fetus.

**Psychological Effect** – Among victims who are still living with their perpetrators, high amounts of stress, fear and anxiety are commonly reported. Depression is also common, as victims are made to feel guilty for 'provoking' the abuse and are frequently subjected to intense criticism .it is reported that 60% of the victims meet the diagnostic criteria for depression, either during or after termination of the relationship, and have a greatly increased risk of suicidality (Barnett,2001). The most commonly referenced psychological effect of domestic violence is Post-Traumatic Stars Disorder (PSTD).

**Effect on Children:** There has been increase in acknowledgement that a child who is exposed to domestic abuse during his upbringing will suffer in his development and psychological welfare (Dodd, 2009). Some emotional and behavioral problems that can result due to domestic violence include increased aggressiveness, anxiety, and changes in how a child socializes with friends, family and authorities. Problems with attitude and cognition in

schools can start developing, along with a lack of skills such as problem-solving. Correlation has been found between the experience of abuse and neglect in childhood and perpetrating domestic violence and sexual abuse in adulthood (Sadler, 1994). Additionally in some cases the abuser will purposely abuse the mother in front of the child to cause a ripple effect, hurting two victims simultaneously.

### **III. Conclusion**

Having looked at a sensitive topic of “Domestic Violence in India”, we can sense the importance of discussion of such topic. The varying causes which can spark the violence within the four walls of homes need to be analyzed carefully and a wise study of the factors causing the violence may prevent a family to suffer from the menace of domestic violence. The domestic violence may have a far wider and deeper impact in real life than what has been covered in this essay. What is required is to see closely the association of the factors provoking a particular form of domestic violence. If these factors can be controlled then more than one form of violence can be prevented from harming an individual or our society and India would be a much better place to live in. Over the past two decades, communities and government have invested considerable resources into efforts to reduce and prevent various forms of violence against women. There is now international recognition that human rights is a pre-condition for successful, equitable and sustainable development activities. According to international human rights agreements defining civil, political, social and cultural rights, all people have equal rights to food, shelter, property, reproductive choice, social security, health care, work, political and religious freedom of expression, access to education, and the civil rights to life, freedom from torture, cruel, inhuman and degrading treatment and punishment.

The declaration on the Right to Development, adopted by the UN General Assembly in December 1986, also features the right to “free, active and meaningful participation”. In all societies women do not enjoy these rights to their full extent. This is due to gender inequality, direct and indirect discrimination, and coercion or violence which prescribes what and how women and girls may live their lives, and which impacts on each of the key areas of concern addressed below.

While both women and men suffer from specific human rights abuses, much of their experience of human rights is gendered. That is, the ways in which women are abused and experience torture, imprisonment, slavery, displacement, discrimination and other violations often specifically shaped by the fact of being female. In addition to the major international human rights instruments, two instruments specifically concern women: the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women.

Despite these and other achievements, many critics have demonstrated that mainstream human rights organization and instruments have long been insensitive to the rights of women. Within an aid program, human rights objectives may be approached through support for specific human rights project and programs, such as institutional strengthening of human rights organization (government and non-government) on a national or regional level, human rights training initiatives, or support for programs which address the causes and problems of violence against women. Women and men are equally important for the growth and development of individual and social lives. The women play the important role as mother and the same makes it unique.

India has elaborate system of laws to protect the rights of women and the government has established two commissions in 1993- the National Commission on Women and the National Human Rights Commission. The government is committed to bring parity between the sexes in all walks of life and to eradicate discrimination in all its manifestation but, it is easier said than done. The uphill task and long drawn out battle can be won only if women are given proper education, specially their legal literacy is to be increased, they are made aware of their rights, they are given credit facilities to make them financially independent, they are provided legal aid and they are given a fair share in political power. However, the most important thing desired on this direction is a change in cultural attitude, this can be done only when an attempt is made to reorient the society and educate people about the concept of women dignity and the need to treat women as a human being and individual and person demanding and needing respect and dignity. If all these things can be done then and then only women's lot can be improved who are called Supreme Being and Guru.

Let us try to work attain this noble goal with commitment, through concerted efforts and strive to excel while chanting the hymns of Vedas with Swami Vivekananda, “Arise, Awake and Stop Not, Till: The Goal Achieved.”

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