UNIT 12 : VIOLENCE AGAINST WOMEN

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12.1 LEARNING OBJECTIVES

After going through this unit, you will be able to –

- explain the causes of human trafficking and its prevention
- analyse the reasons behind violence against women
- describe the causes of prostitution, dowry and AIDS

12.2 INTODUCTION

Violence is a big problem in our society. Since time immemorial various types of crime has been prevalent in India. According to the nature of the changing society its concept, causes, nature and controlling or prevention by law or other agency may be change. In the recent decades violence has been considerably increasing not only in India but also world wise. Dr. N.V.Paranjape has pointed due to the modernization, industrialization, urbanization, advance of science and technology, and advent of materialism

are the causes of this increase rate of crime. With the growth of economy people are crazy for wealth and luxuries of life. But it is not possible for all to fulfill their needs by right ways. So many people has seen to adapt unlawful means to meet their ulterior motive. The advanced of science and technology brings easy path in this way. Here, in this unit we are going to discuss about few forms of violence inflicted upon women.

12.3 VIOLENCE AGAINST WOMEN

In the Indian society, women have been the victims of exploitation since time immemorial. In spite of the spread of education and consequently women's gradual economic independence and various legislative measures adopted in favour of women, most of the women still continue to be victims of violence.

Violence against women is a term which is used to refer as acts that are committed against women. *Kempe* (1982) has defined violence as '*physically striking an individual and causing injury*'. In practical sense, it may be defined as the '*force used to wrest from an individual (a woman) something that she does not want to give of her own free will and which causes her either physical injury or emotional trauma or both*'. Thus, rape, wife-battering, sexual abuse, ***eve teasing***, forced prostitution, female genital mutilation, forced marriage, kidnapping, murder are all examples of violence against women.



Eve teasing indicates an expression or phrase that could mean making fun playfully or spitefully, to provoke a target figure, i.e., usually a young woman.

In 1993, United Nations declaration defined violence against women as '*any act of gender-based violence that results in, or is likely to 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 occuring in public or private life*'.

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 others. 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 situations of armed conflicts* (Conference on Women, Beijing, 1995).

In northeast India women enjoy a greater mobility and visibility than the women in other places. This often portrays a picture of equality between men and women and therefore, violence against women is not seen as a major concern in the area. However, unfortunately, in recent times cases of violence against women are seen to have been increasing constantly every year in the area.



LET US KNOW

- According to UN estimates, upto 200 million women and girls are demographically missing.
- According to UNICEF 100 to 130 million women around the world have been genitally mutilated.
- Assam (40%) is among those Indian states where the prevalence of spousal violence is well above the national average (37%).

There are various types of Violence against women which may be categorized as -

- *Domestic Violence*: Domestic violence includes the physical, sexual and psychological violence occurring in a family. It includes battering, dowry related violence, sexual abuse of female children, marital rape, female genital mutilation, etc.
- *Social Violence*: It includes the physical, sexual and psychological violence occurring within the community, including rape, sexual abuse, sexual harassement and intimidation at work place, in educational institutions and elsewhere, trafficking, forced prostitution, eve teasing, etc.
- *Criminal Violence*: Criminal violence is that violence where a woman is tortured against the radical law of the state and referred to as crime. It is also the violence prepetrated or condoned by the state including murder, abduction, etc.

There has been increasing concern about violence against women in general, and domestic violence in particular, since 1990s. Domestic violence occurs in all socio-economic groups. In many societies, women are socialised to accept and remain silent about such experiences. Domestic

violence was recognised as a criminal offence in India in 1983. However, there was no separate civil law for domestic violence. In 2006, a comprehensive domestic violence law, known as the Protection of Women from Domestic Violence Act 2005, was amended. The law includes the prohibition of marital rape and the provision of protection and maintenance orders against husbands and partners who are emotionally, physically or emotionally abusive.

12.3.1 Controlling Measures for Violence Against Women

The society can be completely developed with the development of women section. For this, equality towards women is very important. Therefore, the violence against women should be controlled and for these some controlling measures are as follows:

- The atrocities towards women can be reduced through giving moral education to the people of various section. It can be started from the school level. It helps to change the attitudes towards women.
- Socialisation is a very important to all. So, by this process some knowledge should be transmitted like the value of women. They are equal, as honourable as man. So we must ensure that during the primary socialization of children, equal status of man and woman is emphasiszed.
- It is encouraged to set up regular and open interaction between both sexes so that curiosity about opposite sex is vanished right from the early ages.
- Women should be encouraged to learn self-defence skills like Judo, Kung Fu and Taekwando.
- Culprits of rape or other atrocities should be punished very severely. Such punishments should be widely published in newspaper and other mass media to generate fear among potential miscreants.

There are many legal procedures taken to prevent violence against women. Regarding femal infanticide, it is not permitted to

detect foetus of the mothers' womb, except any abnormalities prevalent during pregnancy. Sex determination is legally punishable. Further, culprits regarding rape or other cases should also be punished in different way by the law. But, to completely abolish this crime from the society it is very important to change the attitude of man towards women.



CHECK YOUR PROGRESS

Q 5: What are the three types of violence against women?

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12.4 PROSTITUTION

Prostitution is one of the oldest and most common social problems for all societies. However, it is very difficult to define prostitution. *John A. Macionis* defines prostitution as the '*selling of sexual services*'. But this definition is too broad in its approach. A definition of 'prostitution' includes the three criteia of promiscuity, payment and emotional indifference between the partners. According to the Merrian-Webster's Dictionary of Law, prostitution is '*the act or practice of engaging in sexual activity indiscriminately especially for money and also the crime of engaging in such activity*' (1996).

According to *Elliot and Merrill*, '*Prostitution is an illicit sex union on a promiscuous and mercenary basis with accompanying emotional indifference'*.

According to Section 372 of Indian Penal Code, 1860, prostitution is '*the act of a female offering her body for promiscuous sexual intercourse for hire, whether in money or in kind*'. In its most general sense prostitution is setting one's self for sale or devoting to infamous purposes what is in one's own power.

Thus, prostitution is a service which is available for sexual activities in return for payment. The people who execute the service are called the

prostitutes. A 'public prostitute' is a woman who is a prostitute by profession and whose trade is to let out her body on hire to all visitors or to visitors of a specified class. It is a crime because individuals go into prostitution due to social conditions beyond their own control and act of prostitution violates norms and values in society.

The legal status of prostitution varies in different countries, from punishable by death to complete legality. In most of the countries, prostitution is legal among adults. But in countries like India, Argentina and in some muslim and communist countries prostitution is illegal.

The prostitution can be prevented and controlled by the following ways -

- By giving employment opportunities to the individuals especially to the women. It helps them to be economically independent.
- Try to remove the evil social practices which help in manifestation of prostitution.
- Any videos, pornography or any other materials which expose the sex should be socially baned .
- Every one should try to develop a family environment.



LET US KNOW

- In ancient Greek society, both men and women were engaged in prostitution. Male prostitutes are referred to as male escorts, rent boys, hustlers and gigolos.
- In India, during the Mughal Empire, prostitutes were referred to as "Tawaif" who performed activities like dancing and singing and entertained their guests at mehfils while sex was often incidental.
- At present, there are 15 million prostitutes in India.

12.5 HUMAN TRAFFICKING

According to Oxford English Dictionary, traffic is an illegal trade in a commodity, in this case, the commodity is women and children. Human



Sex ratio: Number of females per thousand males.

trafficking is one of the biggest crime in the world. Women and girls are trafficking for the different purposes such as commercial sexual exploitation, forced marriage especially in those areas where imbalanced ***sex ratio*** is found. Children are also trafficking for forced labour as factory workers, domestic servants, baggers and agricultural workers. Some of them also used by terrorist and insurgent groups.

There are different definitions of the term trafficking. According to the UN Commission on Human Rights (2000) definition, '*Trafficking in persons means the recruitment, transportation, purchase, sale transfer, harboring or receipt of a person - (i) by threat or use of violence, abduction, force, fraud deception or coercion (including abuse of authority) or debt bondage for the purpose of and - (ii) placing or holding such a person, whether for pay or not, in forced labour or slavery of like practices, in a community other than the one in which such person lived at the time of the original act described in (i)*'.

The South Asian Association for Regional Cooperation (SAARC) has also established a definition which is: '*Moving, selling or buying of women and children for prostitution within or outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking*'.

There are almost no reliable estimates of the number of women who are trafficked and to where they are trafficked.

12.5.1 Reasons or Causes of Trafficking

The main reason and causes of human trafficking are as follows-

- Economic deprivation or poor economic condition is one of the important cause of trafficking. Because of this, many parents sell their children to the gang in returns of few rupees. Their poverty forced them to done this type of activities.
- Due to the lack of employment opportunities many girls are misguided by some fake placement agencies .
- Lack of awareness and illiteracy.

- Demand of girls for marriage in some places like Haryana, Punjab and Rajasthan.
- Demand of domestic helps from the metros.
- Social evils like dowry, degrading attitude towards girl, child marriage, prostitution, etc.
- Poor implementation of police and law enforcement agencies.

12.5.2 Human Trafficking in North-East India

Human trafficking is one of the major problems in the states of North- Easter region. The largest markets for trafficked NE women are metros like Delhi and Mumbai, and states like West Bengal, Goa, Kerala and even in border areas. Satyarthi, the founder of the Bachpan Bachao Andolan pointing out that children from Assam & other N.E.States were increasingly being trafficked to Delhi, Tamil Nadu, Mumbai and other parts. Most of the traffickers from Lakhimpur, Kokrajhar, Tea gardeners of Udalguri, Sonitpu, Bongaigaon, and other background areas of lower Assam through a well organized criminal racket. The agents are paid Rs. 15,000-20,000 per girl by placement agency, and 25,000-30,000 from the family that employs girls as maid. Thus, many girls and women, also children has been trafficking to different places from Assam.

The main reasons of trafficking in this region are- closure to several tea gardeners and loss of livelihood, acute poverty and natural disaster, existence of fake placement agencies both in source and destination, lake of awareness and illiteracy, demand of domestic helps from metros, poor implementation of police, demand for girls for marriage from different areas, social evils like dowry, etc.

In Assam, there are 14 Anti Human Trafficking Units (AHTU) cell. These play very active role in this regard. Many a times they have rescued girls from Haryana or other parts. To deal with this acute violations of human rights in the region, the Assam Human Rights Commission was constituted on 19th March, 1996 under the protection of Human Rights Act, 1993. GOLD (Global Organisation

for Life Development), an NGO, plays initiative role in the rescue and rehabilitation operation of the victims. After all these efforts, many girls and women are trafficked to the other places. Therefore, there is the necessity of having very strong effort both from government and non-government organization to prevent this crime.



CHECK YOUR PROGRESS

Q 4: Name the only legislature specifically addressing trafficking.

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12.6 DOWRY

Dowry is both a practice and problem associated with Hindu marriage. Generally it means giving money, ornaments, or any other kind of goods along with the daughter at the time of her marriage. It is an age old custom in the Hindu tradition. According to the old Hindu law only the son can inherit the parental property. So the parents try to give gifts to their daughter at the time of marriage. But, gradually the system degraded and the in-laws started demanding more goods with the bride. Brides are tortured by the husband or in-laws for non-fulfillment of demand. Many times torture leads to unnatural death of the married women or compelled to commit suicide.

Dowry has been defined as the payment in cash or kind by the bride's family to the bridegroom's family. *Ram Ahuja* has defined *'dowry as gift and valuables received in marriage by the bride, the bridegroom and his relatives'.*

Max Radin in Encyclopedia of Social Sciences has referred '*dowry as the property which a man receives from his wife or her family at the time of his marriage*'.

According to Dowry Prohibition Act, 1961, dowry has been defined as any property or valuable security given or agreed to be given either directly

or indirectly: (a) by one party to the other party through the marriage; or (b) by the parents or by any other person; at or before or after the marriage as consideration for the marriage of the aforesaid parties; but does not include dowry or mehr in the case of persons to whom the Muslim personal law (shariat) applies.

In the earlier days dowry was practiced as a custom. But with the changes in society people became more materialistic and it became the easiest means of earning money and acquiring high socio-economic status in the society. As a result, an increasingly difficult situation has emerged for the present generation and their parents. Dowry which was practiced voluntarily as a token of love and affection, has now become financial obstacle to marriage.

This evil practice has gone so far as to become a chronic evil in modern societies. Both the educated male and female with high profile have contributed in boosting this problem. But instead of eradication, it has now spread even to the communities where it was once unknown. No-a-days, dowry as a phenomenon has gone beyond the ritual of marriage. Pregnancy, childbirth and all kinds of religious or family functions are occassions when such demands are made. The consequences of dowry system are as follows -

- *It causes economic burden to the bride's family*: Dowry has become a great economic burden for some families, specially, the middle class family. These people try to maintain their social status by providing education to their children, necessities of life and meeting various social obligations. With the limited money they have to fulfill lot of needs. At the time of their daughter's marriage many parents borrow money or sell their property or mortgage to fulfill the dowry demanded by the groom's party. This incurs debt which is passed on from generation to generation which ultimately leads to the total collapse of the family.
- *Dowry harassment and murders*: Sometimes women are ill-treated, tortured mentally or physically by their husbands and in-laws in the name of dowry. If the bride's family cannot fulfill the expectation of her in-laws

then they start to torture her. We find many cases in the media regarding the suicide or unnatural death of married women because of dowry.

- *Dowry leading to immorality*: Practice of dowry is not only regarded as unlawful but even as immoral. According to Gandhiji, one who makes dowry a precondition for his marriage, not only shows disrespect to a woman but also humiliates his own nation, education and womanhood (C.N.Sankar Rao). Practice of dowry leads to immoral practices like corruption to earn money.
- *Psychological Crises and Emotional Disturbances in the Family*: Practice of dowry leads to unhealthy and unwanted competition among the parents. These ultimately hamper the family peace and happiness. Dowry practices create quarrels and conflicts between husband and wife, daughter-in-law with the other members of the family. These may ultimately influence well being of the children in the family.

12.6.1 Measures to Solve the Problem of Dowry

A. *Legislative Measures:* The Dowry Prohibition Act was passed in 1961 by the Central Government with the purpose of prohibiting the dowry system. The Dowry Prohibition Act stipulates that a person who gives or takes or helps in taking or giving dowry can be sentenced to jail for five years and fine Rupees 15,000/- or the amount of the value of dowry. In 1986, the Act was amended again, empowering the State Governments. To stop the offences of cruelty by husband or his relatives on the wife, section 498 A was added in the Indian Penal Code and section 198 A in the Criminal Procedure Code in 1983. Domestic Violence Act 2005 was implemented in 2006. According to this Act, a woman has every right to to approach the domestic violence officer to stop dowry harassment.

Thus this Act made many provisions, but it could not abolish dowry from the society. At present many incidents have taken place in our society even after the amendment of this Act. So, there should some other non-legislative measures to control or abolish dowry.



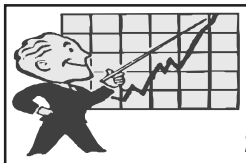
LET US KNOW

- The Indian National Crime Record Bureau (NCRB) reported that there were about 6,787 cases of dowry deaths registered in India in 2005.
- In Assam, 143 cases of dowry harrasement and 3,807 cases of domestic violence have been registered between April 2009 and January 2010.
- The pracice of female infanticide existed among the Toda tribe of Tamil Nadu.

B. *Non-Legislative Measures:*

- *Public Awareness against Dowry*: It is necessary to develop awareness against the practice of dowry to abolish this problem from the society. Different media including newspaper, internet, television, etc. be effectively used to convince people that the practice of dowry is not only illegal but also unethical.
- *Educational Development* : Development of education especially among the girl is very important. It can help in reducing this problem. Through education girls can be economically independent which will enable them to improve their status as well as enable them to take their own decesion. Besides this, moral education can help to highlight the evils of the practice of dowry.
- *Encouraging Intercaste Marriage*: The endogamous nature of the caste is one of the influencing factor of this problem. So, intercaste marriage may also be helpful in reducing this problem from our society.
- *Role of Voluntary Association*: It is suggested that voluntary associations should take initiative in this regard and make propaganda against the evil of dowry. Such association should take up cases of victims of dowry harassment and get them justice. They can create a wave against the practice of dowry.

In fact, there are many such associations already engaged with this type of activity.



CHECK YOUR PROGRESS

2. What is the meaning of prostitution mention on IPC, 1860?

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3. What is the definition given by Prof. Ram Ahuja regarding dowry?

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12.7 LET US SUM UP

- Human trafficking is one of the serious crime in present society. Despite of various preventive measures taken by the government, many human are trafficked in different places. It may be national and international level. The main causes of this crime are poverty, lack of employment opportunities, lack of awareness, demand of girls for marriage from outside, existence of fake placement agency, poor legal system, etc.
- The violence against women mainly include the atrocities against women like sexual assault, rape and molestation. The male dominated society and their attitude towards women section are the main causes of this violation.
- There are lots of protective measures has been taken by the Indian Governmant especially for the women and child. Many NGOs take initiatives to prevent crime or rescue and rehabilitation programme, but still they are not completely abolish the crimes from society. The main important prevention or controlling measures lies within the people. The moral values, peoples attitudes towards the other should be developed. Then after we can think a well developed society.

12.8 FURTHER READING

1) Ahuja Ram, *Problems of Indian Society*. New Delhi: Rawat Publication.
2) Dutta, Nalini Kanta (2009). *The Law of Crime and Correction*. Guwahati: Purbachal Prakash.
3) Paranjape, N.V. (2008). *Criminology and Penology*. Alahabad: Central Law Publication.
4) Yadav, K.P. (2006). *Trafficking: An Emerging Social Problem*. New Delhi: Adhyayan Publishers.

12.9 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: Immoral Traffic Prevention Act 1956.

Ans to Q No 2: Sexual assault, Molestation and Rape are the three types of violence against women.

Ans to Q No 3: According to Section 372 of Indian Penal Code, 1860 Prostitution is '*the act of a female offering her body for promiscuous sexual intercourse for hire, whether in money or in kind*'.

Ans to Q No 4: Ram Ahuja defined dowry as gift and valuables received in marriage by the bride, the bridegroom and his relatives.

12.10 MODEL QUESTIONS

A) Short Questions (Answer each question in about 150 words)

Q 2: What do you mean by human trafficking?

Q 3: Write a short note on human trafficking in North-East India.

Q 4: Write a short note about evil effects of prostitution.

Q 5: Give a definition of dowry.

B) Long Questions (Answer each question in about 300-500 words)

Q 1: Explain the main causes of human trafficking in India. Write the legal measures for the prevention of human trafficking.

Q 2: Discuss the causes and prevention of prostitution.