

## Violence Against Women: RSTV – Big Picture

**Anchor** - Vishal Dahiya

**Guests** - Rekha Agarwal, Advocate, Supreme Court;

Yogita Bayana, Women Activist;

Lalitha Kumaramangalam, Former Chairman, National Commission for Women;

Jyoti Singhal, Deputy Secretary, National Commission for Women.

### Context:

- Every year, 25th November is observed as International Day for the Elimination of Violence Against Women and this year the theme is “Generation Equality Stands Against Rape”.
- Despite the safety and security of women having been accorded utmost priority by the Government in India and several steps taken over the years to tackle the issue, violence against women continues being an obstacle in achieving equality, development, peace, and fulfillment of women's and girls' human rights.

### How are Women Affected?

- Apart from physical abuse, women suffer from emotional and mental abuse too.
- When it comes to the perpetrator of abuse, a segment of society that goes unnoticed is the family members. It demands a lot of courage for the woman to stand up against her own family.
- Despite the education and opportunities given in the present scenario, women continue being the weak unequal sex.
  - Equality amongst both sexes in the present situation seems like a utopian idea.
- Violence against women starts at home.
  - The conditioning at homes and the inter-generational effect, of violence against women, is through the family.
  - Women are brought up with the mentality of dedicating themselves to the family. This causes them to go through mental abuse and depression.
    - Social media influence, such as movies also paint a wrong picture of women, and push young minds into confusing reality with the “life on screen”.
    - For example, constant callings might be portrayed as the correct way to approach women in movies, but in reality, it is called stalking and is an offense according to the **Criminal Amendment Act of 2013**.
- We all, as a society, as individuals and activists have to work towards curbing and finding solutions for this issue.

### Concerns:

- Crime and violence against women are on the rise as indicated by the increase in the cases being reported.
- The sex ratio is indicative of the violence against the female foetus.
- According to a **World Health Organization** (WHO) report, one in every three women and girls experience physical or sexual violence in their lifetime, most frequently by an intimate partner.
- Sexual violence is usually gender-motivated and is a type of social violence, as when committed by an individual, it has a social impact. Other forms of violence against women include domestic violence or dowry harassment which is still prevalent in Indian society.

- Rape is one of the social problems and the victims suffer from physical, mental, and emotional consequences and various other traumas which affect their life negatively.
- The number of crimes committed against women increased by 6 percent according to the National Crime Records Bureau (NCRB) report of 2017. 94 percent of the rapes were registered under 'Cruelty by Husband or Relatives.' However, marital rape is not identified in India.
- Women still face sexual harassment at the workplace, which is against the law under the Equal Opportunity Act.
  - **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** protects women from sexual harassment at their place of work.
- For every rape reported, there are many which go unrecorded as patriarchal mindsets remain unchanged despite the constitutional safeguards and positive affirmations.

### Delay in the justice system:

- **Justice delayed is justice denied.** Most of the crimes against women take a lot of time to be given justice and a resolution as there is a shortage of judges. The justice system often fails women, and they don't report the complaint mostly.

### Women get tired of waiting for justice and give up.

- Delay in providing justice is another reason why men have a sense of impunity.
- In the NIRBHAYA case, a fast-track trial court sentenced four to death in September 2013, while the only juvenile accused was freed after a stint at a remand home. The Supreme Court dismissed their appeals against conviction in 2017; two years on, the convicts have filed curative petitions in the court and one has already written to the President of India for clemency.
- The fundamental presumption is "Innocent until proven guilty." Every citizen is liable to get their chance to prove their innocence.
- The goal is to establish equality, which means both sides have to be analyzed in detail before pronouncing judgment to ensure the system is foolproof.

### Measures taken and Spread of Awareness:

- One of the most successful campaigns of the Prime Minister is the "**Beti Padhao and Beti Bachao Campaign.**"
  - The statistics show that even in Haryana, the sex ratio has gone up substantially in the last 6-7 years due to the campaign.
- **National Commission for Women (NCW)** has taken initiatives for gender sensitization of the police, students, and stakeholders to help them become more empathetic.
  - NCW is also conducting various capacity-building programs for police in collaboration with the **Bureau of Police Research and Development** to augment the techniques used in sexual assault cases.
    - The police need to be sensitized as most women complain of police apathy.
  - A program has been initiated for the gender sensitization and legal awareness of school students to help them understand such grave issues at a young age.
  - Legal awareness programs with stakeholders are also being conducted by the NCW, wherein they are taught about the legal rights of women.

### Legal Rights and Laws:

- India has specially made laws for violence against women.
- For example, the Domestic Violence Act, the Protection of Children from Sexual Offences ([POCSO Act](#)), and the POSH Act (for the protection of women from sexual offenses at the workplace) are some of the few laws for curbing violence against women.
  - Stringent laws exist, but their implementation by the law enforcement agencies is often prejudiced.
    - **Post-NIRBHAYA:** A major amendment has been introduced in the criminal law in 2013 which dictates that it is mandatory for any police officer to register a complaint, the moment, a woman brings the issue to his/her notice.
      - It is known as “zero FIR” as seen in the Asaram case.
      - The zero FIR can be filed irrespective of the jurisdiction.
    - **Fast Track Courts to deal Rape Cases** – Fast Track Courts have been set up for speeding up the trial process through so that the victims get speedy justice without undue delay.
- **Nirbhaya Fund:** Nirbhaya Fund is a Rs.10 billion corpus announced by the Government of India in its 2013 Union Budget. This fund is expected to support initiatives by the government and NGOs working towards protecting the dignity and ensuring the safety of women in India.

### Challenges:

- There are no counsellors present in rural areas where crimes are reported on a large scale. The victims and their families need to be counselled to handle the situation properly. Measures must be taken to ensure the mental and emotional stability of the victim.
  - Counsellors should be present in the police stations, especially in the violence against women’s cells as in the case of Delhi Police Stations.
  - However, those counsellors need to be warned against the pitfalls of their work, as they can also be subject to harassment, threats, and violence.
- The change should not be limited to the law enforcement agencies, but extended to the society as well. The issue of violence against women requires a cumulative effort and every person irrespective of their gender or role should be held responsible.
  - People in public services themselves have a skewed view of equity.
  - Unless there is mutual respect and equity amongst sexes, the number of cases reported might increase but the violence against women will not decrease.

### Way Forward:

- **Gender sensitization** will help in preventing violence against women in the long run because both long term and short term solutions are required.
  - The change will not come with just written laws but from the change in the way people think.
  - While providing justice to women, the justice system must not be unjust to a man. Hence the decision should be made only after a detailed analysis of the case.
  - The issue also has to be discussed more often and not kept hidden in shadows as prevention is the best cure.
- **Social pressure on people to conform:** Families are still very close-knit.
  - The education of children should be extended to society regardless of the income, city or even the suburb, to have some effect on the continuing violence against women.
  - Educating girls about good touch and bad touch as early as possible so that they are equipped to understand this sensitive issue. Self-defense classes should be introduced in school to enable the students to be aware of the dangers they may encounter.

- Society has to realize and understand, the responsibility of a woman isn't confined or limited to just being a good wife.
- The pressure on law enforcement agencies to show records of falling crimes pushes them to not file FIRs. So, the police shouldn't be kept under pressure.
- **Spread Awareness:** People need to be educated about zero FIR, as most of the women and men are ignorant of the legal rights of women.
- The law enforcement agencies need to be more empathetic. Most women report the police to be apathetic when they go to report issues of violence.
- **Equal Responsibility:** The government and society as a whole have a huge responsibility of taking measures towards the prevention of violence on women.
  - No one person can be held accountable.
  - It requires the combined efforts of every citizen, every family and then the government to prevent such crimes from happening in the future.
  - The government and laws cannot change society. Society has to change by itself. The efforts are very much in line with the Gandhian philosophy to being the change one wants.