

NO COUNTRY FOR WOMEN – NEVER ENDING VOILENCE AGAINST WOMEN

-Prakriti Bhargava, Shaurya Abrol & Dolma Kashiva¹

ABSTRACT

Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

Despite such tremendous progress in society, women and girls continue to face multiple barriers based on gender and its intersections with other factors, such as age, ethnicity, poverty and disability. It is veracious to say that there is **NO COUNTRY FOR WOMEN** because this insuppressible behavior is prevalent internationally.

Crime against women has always been a bane in India's development efforts. The word "SEX" being a taboo, arcane customs like Sati and dowry, exacerbates these crimes in India.

Earlier, many cases were not registered with the police due to the social stigma attached to rape and molestation cases. Official statistics show that there has been a dramatic increase in the number of reported crimes against women.

Women of our country are not even safe at their own house. Domestic violence in India specifically is endemic. Around 70% of women are victims of domestic violence according to Renuka Chowdhury. Domestic violence and abuse can happen to anyone, regardless of size, gender or strength, yet the problem is often overlooked, excused or denied. Domestic violence is the behavior used by one person in a relationship to control the other.

This occurs despite the fact that women in India are legally protected from domestic abuse under the Protection of Women from Domestic Violence Act.

INTRODUCTION

"Violence against women is perhaps the most shameful human rights violation and it is perhaps the most pervasive. It knows no boundary of geography, culture or wealth. As long as it continues we cannot claim to be making a real progress towards equality development and peace"

-KOFI ANNAN

A woman is brutally raped inappropriately touched which is so uncomfortable for her which is a scar in her memory which makes her feel filthy about her own body, her own self-respect. It does not matter to these ruthless scavengers when they touch inappropriately taking her to be a commodity for their gratification. Even when she resists, when she cries, screaming these ruthless creatures of god called men don't stop. The woman, the girl does not

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give consent but does that really matter to them no it does not. That girl, that woman is still blamed for her being the culprit of the criminal acts of these men, her clothes covering her body from head to toe are questioned, her being an independent bold women is showed to be the reason for her being raped, stalked, tortured by the inappropriate touch of her boss, the sexual comments passed on by her co-workers, the sexual harassment faced by the women folk. How will this society blame the girl child, the months or days old babies who are not even properly developed and aware about this world are raped, and their bodies are used as commodities.

Sexual violence, except for the fact that it is an inhuman act, it is also an unlawful interference of the victims right to privacy and sanctity. It is a serious push to her supreme honour and offends her self-esteem and dignity as it degrades and humiliates the victim. A rapist not only causes physical injuries but more indelibly leaves a scar on the most cherished possession of a women, i.e., her dignity, honour, reputation and not the least her chastity. Crimes like rape, sexual harassment, stalking and other forms of harassment are not only crimes against women, but is a crime against the entire society. It destroys a woman's psychology giving her a deep emotional trauma. "It is not only a crime against a woman's basic human rights, but is also conflicting the victim's most cherished fundamental rights namely, the right to life contained in Art. 21 of the Constitution of India and the entire society which cannot keep the victims free and safe of such an environment. The law of Justice the courts are, therefore, expected to deal with cases of sexual crime against women with extreme sensitivity"¹.

When any individual hears the term crime against women they tend to relate it with RAPE but crime against women happens in other forms as well. There are several types of crime which the larger part of the society is unaware of.

To study crime against women we first need to understand the meaning of HARASSMENT because a woman faces different ways of harassment every day.

MEANING OF HARASSMENT

Harassment is an act of aggression and persuasive behavior, which also called as intimidation. This is an act of troubling a person effecting one's mental health and body.

Acc. To *United States Equal Employment Opportunity Commission (EEOC)*, defines work place sexual harassment as "unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of sexual nature"² and constitutes sexual harassment when submission to or rejection of third conduct explicitly or implicitly affects an individual's employment, unreasonably with an individual's work performance or creates an intimidating, hostile or offensive work environment.

The term sexual harassment has been given a legal expression for the acts of the men punishable in the eyes of law and totally unethical in terms of the societal norms. This was created for the purpose of ending the discriminating harassment against the working women.

The legislation and the courts consistently redefines the extent of sexual harassment the laws of sexual harassment although do not extend to situations outside the workplace and the schools.

The sexual harassment can occur in a different circumstance, including but not limiting:

- The person harassing can be the supervisor, can be an employer an agent, a co-worker;
- Not necessarily the only the victims are the persons affected but also anyone else can be affected by the offensive conduct;
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim;
- The harasser's conduct being unwelcome.

¹ St. of Punjab vs. Ramdev Singh, AIR 2004 SC 1290.

²USEqual Employment Opportunity Commission defines Sexual Harassment under types of discrimination in its laws, regulation and guidance, https://www.eeoc.gov/laws/types/sexual_harassment.cfm.

The 2 types of legally recognized sexual harassment are: -

1. **Quid Pro Quo Sexual Harassment** - meaning “a favor or advantage granted in return for something” it occurs when any person submits to or rejects of sexual advances or conduct of an act in the nature of sexual behavior in lieu of the employment decisions affecting individuals.
 - Threat to economic loss is sufficient to prove quid pro quo sexual harassment.
 - Any act constituting to a sexual advance linking to grant or denying of employment benefits will be harassment.
 - Employers are strictly liable for quid pro quo sexual harassment for the acts of the supervisory employees.
2. **Hostile Environment Sexual Harassment** - meaning an environment which is aggressive and unfriendly which occurs when any unwelcoming sexual act by way of verbal or non-verbal interferes with an individual’s work performance and job creating an intimidating or offensive work environment even though it is not effecting in any tangible or economic loss i.e. the person may not lose pay or a promotion.

There are two conditions determining liability of the employers in cases of hostile environment of sexual harassment:

- The employer should be aware of the hostile environment.
- The employer after knowing about the actions failed to take appropriate corrective action.

Employer is to be held liable for the creation of a hostile environment by a supervisor, by non-supervisory personnel, or by the acts of the employees or the customers of the employer or independent contractors if the employer has knowledge of such harassment and fails to correct it.

REALITY CHECK: -

Registered cases of sexual harassment at Indian workplaces increased 54% from 371 in 2014 to 570 in 2017, according to official data.

Number of complaints registered under the category of Sexual Harassment at Workplace, State/UT wise during last three years and current year i.e. 2015, 2016, 2017 and 2018 are provided as *Annexure I*³.

As we see in total, 2,535 sexual harassment cases were being registered over 4yrs from ending 2018 (July 27th), i.e. almost 2 cases reported every day. As per govt. data tabled in the Lok Sabha (i.e. Lower House of Parliament).

First seven months of 2018, 533 cases of sexual harassment were reported across the country, as per this data.⁴

As the newest concept of raising the voice against sexual harassment at work place in India “#MeToo” movement, just a year after United States had gone through this movement which were following the allegations against the rape and molestation of movie Moghul Harvey Weinstein. This has given women the power to rise and voice their traumatic phase and personal harassment stories.

TYPES OF CRIMES AGAINST WOMEN

1. Dowry – Dowry death can be called as a murder or suicide of a married women when her family rebuff to give dowry to the groom and his family. dowry deaths being the most eminent crime against women still prevails in our country in rural as well as in some urban areas too.

There are some cases in which the husband with his in laws strive to extort a sizeable dowry by harassing and mal treating his wife which have a repercussion of women committing suicide. the suicides are done through hanging, poisoning or affliction.

The dowry related violence is not an ineluctable upshot of dowry transaction. it arises in particular situations which can be cited in terms of crashing the contract of exchange on the occasion of marriage. there is a brutal concept in our country which is known as ‘bride burning’ which is done by setting the women on fire which actually is way too sickening.

Dowry being the most common in India which actually is illegal have caused a lot of women to abandon their lives because of torture and harassment they use to get from their matrimonial homes.

³ Annexure referred to in reply to Part (a) of the Lok Sabha Unstarred Question No. 1763 for reply on 27.07.2018 regarding Sexual Harassment of Women at Work Place.

⁴ Chaitanya Mallapur, Anmol Alphonso, *#MeTooIndia: 54% Rise In Sexual Harassment Reported At Workplaces Between 2014-17*, INDIASPEND, October 15, 2018, <https://www.indiaspend.com/metooindia-54-rise-in-sexual-harassment-reported-at-workplaces-between-2014-17/>.

This clearly states that HOME is the most dangerous place for women around the world being in her own home or her matrimonial, women are not safe anywhere in this country nor on their workplace.

According to the recent statistics around 87,000 women were killed around the world last year and some 50,000- or 58 per cent were killed at the hands of intimate partners or family members and this hereby sums up that around 6 women were being killed every hour by people they know.

2 Cyber Crime Against Women - These days the most common term which is being used is TROLLING.

On one side where our country is putting efforts to improve the technological sector on the other hand people are misusing it. How easy it is for someone to sit behind the computer and post some content which can break someone's confidence. Forget about women being safe in their home **WOMENS ARE NOT EVEN SAFE ON INTERNET**. Every second, one woman in India gets tricked to be a victim of cyber-crimes and the online platform is now the new platform where a woman's dignity, privacy and security is increasingly being challenged every moment. Trolling, abusing, threatening, stalking, voyeurism, body-shaming, defaming, surveillance, revenge porn and other forms of indecent representation of women are rampant in the cyber world. In cyber-crimes against women, the effect is more emotional than physical while the focus of the laws ensuring women's security is more on physical than emotional harm. If there was a survey done which could tell us how many young girls committed suicide because of trolling or they went into depression because of stalking, online body shaming then we will realize that the people of our COUNTRY really treat women as an object.

Under the Information and Technology Act, 2000, stalkers and cybercriminals can be booked under several sections for breaching of privacy but women of our country are unaware of such sections and even if they are aware they are afraid to file report because they know something big will happen against them.

~~The following are the sections which can put the cyber criminals behind the bars:~~⁵

- i) **Section 67** deals with publishing or transmitting obscene material in electronic form. The earlier section in ITA was later widened as per ITAA 2008 in which child pornography and retention of records by intermediaries were all included.

⁵ Dhruvi M Kapadia, *cyber-crimes-against-women-and-laws-in-india*, LIVE LAW, 21 Nov 2018 11:36 AM, <https://www.livelaw.in/cyber-crimes-against-women-and-laws-in-india/>.

- ii) **Section 66A:** Sending offensive messages through communication service, causing annoyance etc., through an electronic communication or sending an email to mislead or deceive the recipient about the origin of such messages (commonly known as IP or email spoofing) are all covered here. Punishment for these acts is imprisonment up to three years or fine.
- ii) **Section 66B:** Dishonestly receiving stolen computer resource or communication device with punishment up to three years or one lakh rupees as fine or both.
- iv) **Section 66C:** Electronic signature or other identity theft like using others' password or electronic signature etc.
- v) **Section 66D:** Cheating by person on using computer resource or a communication device shall be punished with imprisonment of either description for a term which extends to three years and shall also be liable to fine which may extend to one lakh rupee.
- vi) **Section 66E:** Privacy violation – Publishing or transmitting private area of any person without his or her consent etc. Punishment is three years' imprisonment or two lakh rupees fine or both.
- vi) **Section 66F:** Cyber terrorism – Intent to threaten the unity, integrity, security or sovereignty of the nation and denying access to any person authorized to access the computer resource or attempting to penetrate or access a computer resource without authorization.
- vii) **Section 72:** Punishment for breaching privacy and confidentiality. **Section 72A:** Punishment for disclosing information during lawful contract.
- ix) **Section 441 of Indian Penal Code, 1860:** This section deals with criminal trespassing.
- x) **Section 354D of Indian Penal Code, 1860:** This section deals with stalking. It defines stalker as a man who follows a woman and tries to contact such woman, monitors every activity undertaken by the woman while using digital media.

3. Rape –

“Rape is one of the most terrible crimes on earth and it happens every few minutes. The problem with groups who deal with rape is that they try to educate women about how to defend themselves. What really needs to be done is teaching men not to rape. Go to the source and start there.”

— **Kurt Cobain**

We live in a modern society and yet our mindsets are so shallow. Before getting married a man without thinking twice asks the girl about her virginity but it's not okay if the girl asks him the same. It's true that the children are taught to respect women/girls but today when you read the newspaper in the morning it's tough to digest the fact that a 10-YEAR-OLD BOY RAPED HIS CLASSMATE. This is a shame for our country.

STUDENT OF A RESIDENTIAL SCHOOL FOUND PREGNANT

In February 2019, there was a case in Odisha's Mayurbhanj district – A minor tribal girl JUST 14 years old was found pregnant. The pregnancy of the little girl was found during a routine health checkup. It's not just the only case lodged but several other cases.

A girl of class 6th was 7 months pregnant as she was raped by a teenage boy of the school, he was sent to a juvenile home.

It's shocking to see such news everywhere, **HARD TO BELIEVE BUT IT IS THE HARSH REALITY.**

Recently there was a case which blowed away our minds, a lady arranged men to rape her tenant several times. It is not just the men who should be punished but such women who think that pulling down the dignity of women is the way to pull her down. It's not just about the physical harassment which a woman has to go through but it is also about the torture and insult which the women have to face every day – everywhere.

The people around us generally say after reading about a rape case that of course it must be the fault of the girl or they find the conclusion by saying she must be wearing revealing clothes. It's because of the clothes of the girl which excited the boy and made him do this. What a great mentality our society has. Now the question which arises is what was the fault of the 1-week old girl or that 70 years old lady who was been raped brutally? Was that one-week old girl wearing revealing clothes which made someone commit such a crime?

THE FOLLOWING OUR JUST FEW CASES WHICH SHOWS HOW UNSAFE A WOMEN IS REGARDLESS OF WHAT AGE GROUP SHE BELONG TO⁶:

1. Haryana: 14-year-old boy rapes his 3-year-old neighbor
2. Haryana: 50-year-old mutilates body of a 10-year-old by inserting a wooden object

⁶.HindustanTimes

3. Haryana: Neighbors rape and murder 11-year-old
4. Attackers rape 15-year-old, rupture her organs and dump her
5. Faridabad: Attackers kidnap and gang-rape 23-year-old, dump her near a petrol pump
6. Himachal Pradesh: 16-year-old sets herself on fire after being raped by two men.

4 Harassment at The Workplace - our constitution has provided some important legal rights to women which are contained in article 14,15 and 21 to live free from discrimination and to have equal protection under the law.

Everyday newspaper flashes a headline starting with a women being a victim of sexual harassment at their workplace it has become common to read about these headlines now a days stating that the women who affirm to be harassed ravage the image of the abuser.

Apart from this, there are some male counterpart statements also which says that women are responsible for acquiring attention.

A safe workplace is therefore considered as a women's legal right. By sexually harassing women's comes a glaring breach of women's right to equality and nobility.

women are not even safe in their workplace as they face discrimination they are not treated as equals because People still have that conception that females are inferior than men. on the other hand, some of them doesn't even report the matter due to fear of the harasser, losing her reputation or losing her job. sexual harassment is actually a reflecting male power which is over women sustaining patriarchal morals or values.

By looking into this violence against women at their workplaces their came an act which was the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,2013* - this act ensured that the workplaces becomes safe for women's, they shall be treated equally and should get equal status and opportunity.

FOLLOWING ARE THE VARIOUS TYPES OF HARASSEMENT FACED BY A
WOMEN AT THE WORK

PLACE:⁷

⁷ Katie Yahnke, *11 types of workplace harassment and how to stop them*, I-SIGHT, accessed on 26th/Oct/2019, <https://i-sight.com/resources/11-types-of-workplace->

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harassment-and-how-to-stop-them/.

1. Discriminatory
 - Racial harassment
 - Gender harassment
 - Religious harassment
 - Disability based harassment
 - Sexual orientation based harassment
 - Age based harassment
2. Personal
3. Physical
4. Power
5. Psychological
6. Online
7. Retaliation
8. Sexual
9. Quid pro quo
10. Third party
11. Verbal
12. Prevention

5. Domestic Violence - Domestic violence is currently defined in India by the Protection of Women from Domestic Violence Act of 2005. According to Section 3 of the Act, “any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it:

- i) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- ii) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- iii) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
- iv) otherwise injures or causes harm, whether physical or mental, to the aggrieved person”.

Home isn't it the place where every girl or women should feel safe. But here is some small calculation which will prove that women clearly have no place where they can feel safe.

Between 960,000 and 3,000,000 incidents of domestic violence are reported each year, while many other incidents go unreported. It is estimated that more than ten million people experience domestic violence in the U.S. each year.

According to the survey done to check the condition of women in our country, 27 per cent of women have experienced physical violence since the age 15 in India. This shameful act is practiced more in rural areas.

1 in 5 women have experienced sexual violence since the age of 15.

1 in 4 women have experienced emotional abuse by a current or former partner since the age of 15.

Almost 40% of women continued to experience violence from their partner while temporarily separated.

Domestic Violence can take place in various forms

1. PHYSICAL
2. VERBAL
3. EMOTIONAL
4. ECONOMIC
5. REPRODUCTIVE
6. SEXUAL ABUSE

Domestic violence is not just sexual abuse from the partner but it ranges from subtle coercive forms of marital rape to mental torture from the in laws. Domestic violence can result into bride burning, dowry death and honor killing.

“Today I wore a pair of faded old jeans and a plain grey baggy shirt. I hadn't even taken a shower, and I did not put on an ounce of makeup. I grabbed a worn out black oversized jacket to cover myself with even though it is warm outside. I have made conscious decisions lately to look like less of what I felt a male would want to see. I want to disappear.”

— **Sierra D. Waters, Debbie**

Everyday a girl of age 5 or a women of age 50 before stepping out of her house defiantly makes sure that she is not wearing anything which is revealing.

on 1st January an incident took place which left the entire country shocked. This

shocking event took place in the third safest country of India i.e. BANGALORE. The girls on the street were touched and grabbed, groped, catcalled, and abused without any hesitation and reluctance. Despite as many as 1,500 policemen being present on the streets, they were not able to avoid an incident of this nature.

Its true and we the citizens of the country know it, that such kind of incident has taken place earlier as well. This is not the first time such an incident is happening but yes it's

true that something like this has happened for the first time in such a large scale. From time immemorial, it's a culture which has been going on to hide such sickening incidents, for the society it's just too easy to victimize the victim and normalizing the RAPE CULTURE.

Even having all the footage regarding the Bangalore case, countless eyewitnesses, and newspaper and news channel coverage on the subject, the police is still unable to help the 756 cases reported in one night.

ARE WE, THE WOMEN OF THIS COUNTRY SAFE?

FOLLOWING MEASURES TO BE TAKEN TO PROTECT THE FUTURE OF OUR COUNTRY:

1. EDUCATE BOYS/MEN OF OUR COUNTRY: Teach them how important it is to respect women's.
2. REPORT: Report the matter. Don't think about what the society will think.
3. Educate yourself on the roots of violence
4. Be aware of resources. There are several laws to protect girls.
5. UNDERSTANT CONSENT.
6. Create a safe environment for girls/women.

Annexure I

S. No	State/UT	2015	2016	2017	2018
1.	A&N Islands	2	2	0	1
2.	Andhra Pradesh	4	11	12	2
3.	Assam	1	6	6	3
4.	Bihar	12	20	15	20
5.	Chandigarh	3	4	2	3
6.	Chhattisgarh	5	4	6	2
7.	D&N Haveli	-	1	0	0
8.	Delhi	100	82	77	55
9.	Goa	1	-	2	1
10.	Gujarat	15	7	12	7
11.	Haryana	33	30	39	37
12.	Himachal Pradesh	5	-	3	2
13.	Jammu & Kashmir	3	-	3	0
14.	Jharkhand	14	5	3	4
15.	Karnataka	21	9	4	14
16.	Kerala	9	35	39	7
17.	Madhya Pradesh	38	35	41	23
18.	Maharashtra	28	-	-	22
19.	Manipur	-	-	-	-
20.	Meghalaya	-	-	-	-
21.	Nagaland	1	-	-	-
22.	Odisha	5	9	8	5
23.	Pondicherry	1	1	3	3
24.	Punjab	6	8	16	14
25.	Rajasthan	23	31	31	28

26.	Sikkim	-	1	1	0
27.	Tamil Nadu	24	38	17	17
28.	Telangana	20	12	8	10
29.	Tripura	1	-	1	0
30.	Uttar Pradesh	120	129	147	231
31.	Uttarakhand	8	5	7	7
32.	West Bengal	19	23	28	15

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