



## Female Concerned Issues in Contemporary India

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### **Abstract-**

*Gender related issues haunt the process of development and empowerment in India at a large scale. Some articles of Indian constitution provide adequate means of livelihood for men and women but reality is contrary to all these provisions. There are many dimensions of crimes against women and causes thereof, like, violence, dowry, abuse faced by women due to migration, problems during public transport, difficulties at workplaces; sexual abuse and securing urban spaces for women etc. Measures taken for improvement of women's condition are also discussed in this article. All these have a supreme importance, as, we want a safer India for women.*

**Key words-** Women, Domestic Violence, Dowry, Migration, workplaces, issues

### **Introduction:**

A major issue that haunts the process of development and empowerment in India is the issue related to gender, specially related to females. This issue has widespread ramification for society and it has deep social, economic and political cost to society. Traditionally a women's issue to be addressed through counselling, legal aid and organizing women's shelters. However the issue came up to sharp focus in the 1980's with the widespread coverage by the main media. The campaigns by women and the slogan that, "a suicide in the family is murder" brought about a change in the Indian Penal Code through section 498A. According to UNDP human development report 2016, India ranks 131 in the human development index out of 188 countries. India ranks 125 out of 159 countries in the Gender Inequality Index. Gender Inequality Index is a composite measure reflecting inequality in achievement between women and men in three dimensions: reproductive health (MMR, Adolescent Fertility Rate) empowerment (population with at least secondary education and shares of parliamentary seats) and the labour market (labour force participation rate). Article 14 of Indian constitution guarantees "equality before the law" and "equal protection of the law". Article 21 guarantees the right to life every citizen (a life with dignity and without violence.) Article 30 of directive principles of State policy, enjoins the State to provide

adequate means of livelihood for men and women, equal pay for equal work and ensure humane conditions of work and maternity.

Indian women status has been subject to many great changes over the past few millennia. From equal status with men in ancient times through the low points of the medieval period, to the promotion of equal rights. In modern India, women have held high offices including that of the President, Prime Minister, Speaker of the Lok Sabha and Leader of the Opposition. However, women in India continue to face atrocities such as domestic violence, rape, acid throwing, dowry killings, and the forced prostitution. Traditions such as Sati, Jauhar, and Devadasi have been banned in modern India. However, some instances of these practices are still found in remote parts of India. Child marriage remains common in some states and rural areas, although it is illegal under law. The condition of women in India has always been a matter of grave concern. Since the past several centuries, the women of India were given lower status and lesser opportunities as compared to that of their male counterparts. The patriarchal nature of Indian society has greatly hampered independence and safety of women. Women in India continue to face violence from womb to the tomb. (in womb they face feticide and after birth, they are subject to various forms of violence and harassment at different points of their lives) Every single day women, young girls, mothers and women from all walks of life are being assaulted, molested, violated, raped, beaten and killed. The streets, public transport, public spaces in particular have become the territory of the hunters. Various dimensions of crimes against women and causes thereof are being explained below.

#### **Definition of Violence-**

Violence against women has been defined as a form of discrimination in several ways. Gender based violence was first recognized as human rights violation by the world human rights conference in Vienna (1993). United Nations declaration 1993 defined violence against women as, “any act of gender based violence that result in, or is likely to result in physical, sexual or psychological harm or suffering to a women, including threats of such acts, coercion or arbitrary deprivations of liberty, occurring in public or private life”. Violence has been defined as conduct which incurs the formal pronouncements of the moral condemnation of the community or deviation from conduct norms of the normative groups. Narrowly defined, the term violence has been applied to “physically striking individual and causing injury” or as the act of striking the person with the intent of causing harm or injury but not actually causing it. Others have defined it as acts which may involve actual hitting, verbal abuse or psychological suffering. Thus rape, abduction, kidnapping, murder, life bothering, sexual abuse, maltreatment of widow and all examples of domestic violence and eve teasing, forcing wife/daughter-in-law to go for foeticide, forcing a young widow to commit sati etc. are all cases of violence.

#### **Domestic Violence:**

Domestic violence also known as intimate partner violence (IPV), is a worldwide problem. Cultural and household stress factors contribute to the prevalence of domestic violence, Domestic violence in India is endemic, as around seventy percent of women in India are victims of domestic violence. There may be different types of domestic violence; some of them are discussed below.

Physical injury is the most visible form of domestic violence, includes slapping, pushing, kicking, biting, hitting, throwing objects, strangling, beating, threatening with any form of weapon, or using a weapon. Emotional abuse is an incredibly common form of domestic violence. This violence can erode a woman's sense of self worth and harmful to overall mental and physical wellbeing. Emotional/psychological abuse can include harassment; threats; verbal abuse (calling, degradation and blaming; stalking; and isolation). Sexual assault is another common form of domestic violence, includes unwanted kissing, touching, or fondling; sexual/reproductive coercion; rape, marital rape, extramarital affairs.

Effects of Domestic Violence includes, long-term mental disorders and drug dependencies, ethical and human rights destruction, emotional distress, as well as suicidal thoughts and attempts, serious health problems, include injury, gynecological problems, miscarriage, depression, fear, anxiety, low self-esteem, sexual dysfunction, suicide, homicide, maternal mortality, etc. The act of domestic violence is a human rights violation and an illegal act under Indian law. The causes of domestic violence are multifaceted. Some of them are- dowry demands, patriarchal household structure in India that affect women's agency: marriage, active discrimination by means of abuse (marital or extramarital), and limited economic opportunity through stifled opportunity for independence. Most Indian women who experience domestic violence hesitate to report or prosecute against such crimes. Domestic violence is often not handled as a legitimate crime or complaint, but more of a private or family matter. Other factors responsible for domestic violence include socio-economic class, caste, religious bias, race, educational level, and family structure. There are many measures for tackling domestic violence. Protection of Women from Domestic Violence Act 2005: This act provides victims of abuse with a means for practical remedy through prosecution.

### **Dowry and dowry death:**

In India dowry has become a prevalent practice in modern era, although there are variations on dowry prevalence based on geography and class. This system is tied to the social structure of marriage, which keeps marriage inside or close to family relations. Dowry has become a social menace in modern India, because due to its practice women are subjected to many types of atrocity and harassment, the most brutal and inhumane of which is 'dowry death.' Dowry deaths- are deaths of young women who are murdered or driven to suicide by continuous harassment and torture by husbands and in-laws in an effort to extort an increased dowry. Dowry death is considered as one of the many categories of violence against women. Social malaise of dowry has multifarious effects, some of them discussed here. The most prominent effect of dowry system is the prevalence of domestic violence. The continuously decreasing sex-ratio is also attributed to dowry system, because daughters come to be seen as financial burden on the families. Daughters are killed just after they are born (infanticide) or they are killed even before they come into this world (feticide). The widespread prevalence of mental disorders, especially among women, has been attributed to the tortures they have to face from their in-laws and husband. The persistent conflict and squabble between parents over the issue of dowry may be detrimental to the upbringing and personality development of their children.

Dowry System has been prohibited under The Dowry Prohibition Act, 1961 in Indian civil law and subsequently by Sections 304B and 498A of the Indian Penal Code (IPC). The Dowry Prohibition Act 1961, prohibits the request, payment or acceptance of a dowry, "as consideration for the marriage", where "dowry" is defined as a gift demanded or given as a precondition for a marriage. Under the Protection of Women from Domestic Violence Act 2005 (PWDVA), a woman can put a stop to the dowry harassment by approaching a domestic violence protection officer. Incidents of dowry deaths have attracted public interest and sparked a global activist movement seeking to end the practice. The United Nations has been an advocate for women's rights in its Charter's Preamble, the Universal Declaration of Human Rights (adopted in 1948), the International Covenant on Civil and Political Rights (adopted in 1966), the International Covenant on Economic, Social and Cultural Rights (1966). (these three are known collectively as 'International Bill of Rights') and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (2012).

#### **Abuse faced by women due to Migration:**

Migration is the movement by people from one place to another with the intention of settling temporarily or permanently in the new location. "Feminization of Migration" has been proposed for a suggested "gendered patterns" in migration, meaning that there is a trend of a higher percentage of women among voluntary migrants. There are many causes of increasing women migration. Gender relations and hierarchies within the family. Macro characteristics of the country of origin include: the state of the economy; the types of economies; the level of displacement caused by economic changes; land tenure laws; etc, affects migration. Challenges faced by women migrants are- denied full incorporation; that is, the full civil, political, and social rights and responsibilities. Women may frequently segregated into traditional "female" occupations, such as domestic work, childcare, or garment manufacturing. Migrant workers, especially women, tend to exploitative working conditions and denying them access to legal and social protection. In such conditions principles of labor and human rights can become easily subsumed. Working in a country away from their homes women are subjected to various forms of discrimination, exploitation and abuse. Sometimes they are not given their due salary, which is another form of bonded labor and slavery. Migrant women workers leads as aliens: as inferiors- culturally and socially; without rights, or an ability to obtain redress; being ill-treated, starved, locked up and so on; because of different ways of relating to women arising out of religion and culture- making female workers more vulnerable to exploitation and sexual abuse.

Measures of improvement migrant women's condition are, international legal instruments, important human rights instruments that aim to ensure equality. Some acts are- Universal Declaration of Human Rights (UDHR), 1948; International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families, 1990; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979; Convention on the Rights of the Child, 1989 and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography, 2001; Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention Against Transnational Organized Crime, 2000 etc. Some

guidelines for sending countries are- Strengthening labor recruitment procedures, Undertaking pre-departure training; Initiating and monitoring bilateral labor agreements with destination countries; strengthening the roles of Embassies and Consulates in destination countries. Some guidelines for destination countries: Strengthening administration and management of migration as a key labor market issue- Conclude bilateral or multilateral labor agreements with sending countries; Ensure that immigration policies are gender-sensitive; Regulate and supervise the activities of recruitment agencies; Provide adequate checks on employers; Strengthen complaints mechanisms. Consider specific legislation to cover domestic workers; A sound governance through adequate labor and social protection and the establishment of functional support facilities and services for migrant workers; Allow freedom of association and facilitate organization and representation of migrant workers; Take measures to promote gender equality and end xenophobia and racism. Some measures suggested by International Labor Organization (ILO) are- All governments should recognize domestic work as an economic activity and stipulate minimum wages. Domestic workers should be given the right to organize themselves in associations. The Government of India made "Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979".

### **Securing Urban Spaces for Women:**

Rapid urbanization is challenging both national and local governments in their role to develop compact, inclusive, connected and integrated cities able to achieve spatial equality, job creation, human and community development, strategic infrastructure and environmental sustainability. In this process of fast urbanization, the failure to fully mainstream gender equality into urban planning, legislation and economic development is hindering the inclusiveness of cities and preventing the full integration of women and girls in the economic, social, political and cultural life of cities and therefore the realization of the just city. Women and girls benefit less from urbanization and the urban space. They face a range of specific barriers and vulnerabilities: gender inequality, violence against women, poverty, unpaid care-work, limited control over assets, unequal participation in public and private decision-making, and barriers to education, employment, housing and basic services. Women face the most serious urban challenges: poverty; overcrowding, sexual harassment and assault, and lack of access to security of tenure, water and sanitation, transport and sexual and reproductive health services. Lack of secure tenure over housing and land, lack of safety and mobility is a serious obstacle to achieving gender equality in the city, women earn less than men for their labor. Lack of access to clean water, sanitation, and other basic services poses risks to health. Women, particularly those in poor urban communities, are at greater risk of experiencing health problems, since they are often prevented from accessing, and benefiting from, quality health services due to a lack of adequate services, systems, and socio-political will. Women are more likely than men to experience physical, sexual, and emotional violence, which adversely affects their health.

### **Sexual Violence against women in India**

The term safety includes not just the actual physical and psychological impacts of an act of aggression or violence but also the fear or anxiety associated with the anticipation of violence in an urban public space. The violence that often defines women in society has reached endemic

proportions, becoming ordinary instead of extraordinary. Women and children often give up on the right to education or a livelihood as a trade-off for safety. There is a growing realization about the need to create a more secure working, living and commuting environment for women in urban centers. Cities can be designed to be more inclusive, but only when designs reflect an awareness of how characteristics such as age, sex, sexuality, caste, religion, economic status and difference in ability lead individuals to experience the same space quite differently.

Reasons for increasing sexual violence against women in India are- Poorly lit urban spaces coupled with inadequate police patrolling are favorable for increased sexual violence. Lack of stringent laws for punishing sexual assault is compounded by inefficient criminal justice system. Increasing objectification of women by media as an object for sexual satisfaction. Inefficient and apathetic attitude of law enforcement agencies. Patriarchal structure of Indian society. There are some policy framework, as at the national level National Policy for the Empowerment of Women 2001, which aims to advance, develop and empower women through gender sensitization and by ensuring access to some fundamental rights for women in India. At the planning policy level, Jawaharlal Nehru National Urban Renewal Mission (2005), requires cities to prepare development plans to address gaps in service delivery and propose better infrastructure facilities, especially for marginalized communities. The Indian Parliament passed a new law with the goal of more effectively protecting women from sexual violence in India. It came in the form of the Criminal Law (Amendment) Act, 2013, which further amends the Indian Penal Code, the Code of Criminal Procedure of 1973, the Indian Evidence Act of 1872, and the Protection of Children from Sexual Offences Act, 2012. The law makes stalking, voyeurism, acid attacks and forcibly disrobing a woman explicit crime for the first time, provides capital punishment for rapes leading to death, and raises to 20 years from 10 the minimum sentence for gang rape and rapes committed by a police officer.

### **Challenges faced by women during Public Transport-**

Public transport is a shared passenger transport service which is available for use by the general public, include city buses, trolleybuses, trams (or light rail) and passenger trains, rapid transit-metro/subways/undergrounds etc and ferries. Women commuting by public transport are vulnerable to harassment and abuse by mischievous troublemakers. There have been some cases of rape and abductions in the city where the auto drivers were involved. The relative immobility of the urban poor, especially poor women is a central fact in their lives and severely limits their employment options. Measures for making public transport safer for women are- design of public transport infrastructure which includes access to public transport stops, the design of the stop, vehicle design will have to become safety and security compliant. Following is a list of policy interventions to improve public transport safety- (a) Public transport safety must be guaranteed during the whole length of the trip: on vehicles, during the waiting time, and on the routes of access to stations and stops.(b) Every access should be checked and improved. Old people and women are particularly sensitive to the problems of personal safety on public transport networks. Increasingly frequent action is required by the operators. The need of taking immediate action requires a direct connection between staff, the operational centre and the police.(c) Lighting, good

design, visibility at stops and stations are an essential component in creating feelings of security.(d) We have to depend on scenario building techniques– for instance, transport planners need to have a city vision. (e) The urban development ministry has issued fresh guidelines to all states to install preventive security apparatus in all modes of public transport -- buses, taxis and auto rickshaws -- for safe travel of women and children.(f) Some state governments have developed and implemented model for public transport:G-Auto model (Ahmedabad), Pink Auto initiative (Odisha).

### **Problems faced by women at workplaces-**

Women in the workforce earning wages or a salary have been challenged by inequality in the workforce. Legal and cultural practices, combined with the inertia of longstanding religious and educational conventions, restricted women's participation in the workforce. With women representing 24.4 per cent of the total workforce in India, personal security has become central to their physical, intellectual, emotional, economic and spiritual well-being. Violence against women in the work place takes place in all countries throughout the world and takes many forms, including sexual harassment and bullying. Workplace violence against women is understood to include physical assault, threatening behavior, bullying, verbal abuse, and various forms of harassment. Violence may be perpetrated by a colleague or supervisor, a client or customer. The negative consequences of workplace violence and harassment for women include leaving their jobs, developing psychological disorders, experiencing relationship breakdowns and developing substance abuse problems, staff turnover, absenteeism, reduced efficiency, decline in work quality, early retirement costs, counseling program costs, mediation or grievance proceedings, and anti-discrimination action. Women do not report the matter. As a result the perpetrators do not face any credible deterrence. Providing safe environment and preventing violence against women in the workplace Guidelines for the safety for women at the workplace can be broadly categorized under four heads- (a) Physical: This focuses on the physical security of women employees in an organization. (b) Environmental aspect helps maintain a safe and secure standard in any premises. (c) Organizational: Create a positive atmosphere at the workplace where a woman is encouraged to come to work. (d) Educational: The awareness of women employees of their company policies on sexual harassment and gender discrimination and they are encouraged to report all discrimination without fear. The sexual Harassment of Women at Workplace (Prevention, Prohibition, and redressal) Act, 2013, is a legislative act in India that protect women.(Vishakha Guidelines by the Supreme Court) The law contains that any workplace with more than 10 employees need to implement it.

### **Conclusion:**

The news papers and data is speaking for itself, that everyday women are dealing with harassment from mild to extreme forms on our streets, workplaces, public transportation and even in homes. With limited options in our hands, and with time fast flying us by, the onus is on us to wake up and do whatever it takes. About fifty percent of India's registered voters are women, the power of whom together needs to demand a tougher and sensitive India.Today, issues related to women need to be pushed in every lobby so that the leaders have to yield and take a hold on the

crisis that looms across every street and every corner of India. We stand by each other, tall and proud, brave and unfazed. This is the time for “No more Harassment”. We want what we deserve for us, a safer India for women.

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