

MOTHER INDIA AND THE VIOLENCE AGAINST HER DAUGHTERS

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ABSTRACT

Both Men and Women are two Pillars of our Society where without either of them our society cannot exist. We symbolize our country, our land as “Mother” we worship gods in their feminine form but are women looked upon and given such respect in this country called Mother India. Then the answer is a big NO.... Do you know why? Because Women in this country are subjected to various forms of violence, abuses, often without reason and mostly due to the thought that “Men are Superior to Women” which prevails from the past decades and continues to poison the minds till the modern era. They have been one of the most vulnerable and weaker sections of society who have always been looked down on as a commodity that can be used, re-used, and abused in any way a man prefers. Though we are in the 21st century, the so-called modern era but there hasn't been improvement in the status of women majorly due to the patriarchal society, and prejudice towards them in the society. She starts fighting a battle on her own for her rights from her Birth where she keeps struggling for not just Justice but also for Respect and Humanity which everyone deserves. Even in this Modern Era, “the era of knowledge”, human nature and the mindset of the people remain the same. Here the Fight by Women for Justice, for their Rights is not against any individual but it is a fight against the narrow-minded people, the old traditions that have chained them and even forbidden them to raise voice against the wrong. Why can't our society see a woman making her own identity, becoming self-reliant? Are they even getting the respect that they deserve? Are they even safe in their own homes? Even when wrong is subjected upon her, why are the fingers raised against her? Why does she fear to raise her voice against the wrong? Why she has to fight her battles alone? There are so many more such questions out of which one or the other is a concern of every single female in this country. Is the Just behaviour towards Women is even a reality or just a topic of endless discussion and debates without reaching any conclusion? Though there are various Laws in India to support Women for the rights, for the crimes against them but even the extreme, cruel punishments prescribed in those could not stop the crimes subjected upon women nor has leniency in imposing punishments decreased the crime rate. This paper highlights the plight of women in our Indian society and showcases the challenges faced by them from Birth to Death in the Form of Dowry, Domestic Violence, Female Foeticide, Rape, Acid Attack, Eve Teasing, Sexual

Harassment, Remarriage of a widow, etc. These evils are not something new, but they are so deep-rooted that to remove them we need to attack their roots. The only way to fight these social issues prevailing in our society is by a nationwide revolution by bringing a change in the mindset of people of our society.

“Men and women have roles – their roles are different, but their rights are equal.”¹

INTRODUCTION

Violence against Women is a shameful black spot on the face of humanity and how much ever the country progresses, becomes developed, reaches the peak of success but it can still not justify the position of women in our country. India is a country of rich culture, where moral values are been thought to every person, where the land is called Mother, where her daughters are worshipped as a goddess, where a girl child is symbolized as a symbol of Goddess Lakshmi then why in such a country the women lead a life with fear, Fear of becoming a prey to any of the crimes. They are not safe in their neighbourhood, their schools, any public place even be it their own home. Where are the talks that speak about Gender Equality?

“There is no chance for the welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on only one wing”

– Swami Vivekananda

This reflects the fact that the women of India are suffering from discrimination, prejudice, injustice, and oppression from the society that is male-oriented. Seeing the timeline of the cases which have been subjected upon women be it Vishaka², Nirbhaya³, Aruna Shanbaug⁴, Priyanka⁵, Laxmi⁶, or anyone else, it's the women always who have suffered the most in our patriarchal society. The one who abuses a female forgets that he has come into this world only because of women. They forget that without women the world is incomplete because they are only the ones in the whole universe who can become a MOTHER, who can give birth to a child. God has made women elegant, beautiful, responsible, and creative who has

¹ Quoted by Hari Holkeri

² [http://ncwapps.nic.in/pdfReports/Sexual%20Harassment%20at%20Workplace%20\(English\).pdf](http://ncwapps.nic.in/pdfReports/Sexual%20Harassment%20at%20Workplace%20(English).pdf)

³ https://main.sci.gov.in/supremecourt/2020/5529/5529_2020_5_301_20686_Judgement_14-Feb-2020.pdf

⁴ <https://www.scconline.com/blog/post/tag/aruna-shanbaug/>

⁵ <https://www.legalserviceindia.com/legal/article-1335-justice-for-dr-priyanka-reddy-demanding.html>

⁶ https://www.livelaw.in/pdf_upload/pdf_upload-368969.pdf

many duties to perform. Though it is men who remain immediate targets of a conflict but the ultimate victims of every conflict are women. Women suffer in every aspect of life. Their dignity, honour, and existence often remain at stake during conflicts.

A woman faces different kinds of violence during the various phases of her entire life which are as follows:

- Pre-Birth - Sex-selective Abortion, Battering during Pregnancy
- Childhood - Female infanticide, Child Marriage, Child Abuse by not only strangers but also family members.
- Adolescence - Eve Teasing, Sexual Abuse, Sexual Harassment, Trafficking, Rape, Acid Attack, Forced Prostitution.
- Marital - Dowry, Sati, Marital Rape, Adultery, wife battering, Domestic violence, Sexual physical and psychological abuses.
- Reproductive - Forced Pregnancies, Psychological Abuse, Sex-selective Pregnancies.
- Widowhood and Old Age - Abuse of widows, senior citizens, accusations of witchcraft, etc.

As per the data published by the National commission of women, there have been several reported cases of crimes against women in the year 2020 with the majority of cases being related to the Right to live with dignity, Domestic Violence, Harassment due to dowry, and the least being sex-selective abortion and Traditional evil practices such as Sati pratha, devadasi, etc which still prevails to exist⁷. These numbers are just the number of cases that are reported but what about the ones which are not reported, which are not voiced. There are still are a majority of unreported cases. The cases against women have gradually been increasing over the past years. According to the report by the national crime records bureau, every hour, at least two women are sexually assaulted and every six hours, a young married woman is beaten to death, burnt, or driven to suicide⁸.

In modern times, the status of women is of Paradox. Where in the one hand she is at the peak of success and on the other she suffers violence afflicted upon her by her own family. The

⁷ <http://ncwapps.nic.in/frmReportNature.aspx?Year=2020>

⁸ <https://www.legalserviceindia.com/legal/article-4585-crime-and-violence-against-women-in-india.html>

violence against women is not just restricted to physical violence but also sexual, emotional, psychological, verbal abuse.

We are happy that women are allowed to do jobs, to make their careers, to study, etc. Do you hear that we are “ALLOWED” and the men of our society must have allowed us? But do we need to be allowed to study, to build our future? No Girl ever wants anyone's permission to study, see dreams, step ahead in life, make her identity. It's their life and hence the decisions shall also be made by them. This ultimately means that there's no gender equality in our society and it is still patriarchal where we need permission from men to take any step in our life. Simply, it's her own life, she shouldn't be asking for permission to make her future bright, they shouldn't be controlled, and no one should consider themselves superior to each other.

HISTORICAL ASPECT

In the ancient period, a woman was respected and worshipped, she was given equal status as that of her husband as she is regarded as her husband's ardhagini. She was allowed to remarry and could choose her husband through Swayamvar. But later in the Vedic period, the position of women has seen a lot of ups and downs and later the evils of the society came into existence. then the daughters came to be looked upon as misery, as a property who could be given away or loaned, and the condition of the widows were also degraded, some preferred to die along with their husbands committing Sati. Women during the golden era enjoyed equal rights to that of men in all aspects of life, she was treated as an ardhagini and she enjoyed a fair amount of freedom, equality. If we see the two greatest epics, the Ramayan and Mahabharata, in one we observe an outsider abducting someone else's wife forcibly wherein the same we see that any religious rituals like havan would be incomplete without the wife, and in the other, we learn Polygamy was socially accepted but polyandry was a sin also in this the Daughter-in-law of the family was being disrobed publicly and her dignity was put at stake by the male members of her own family. In both instances, the abusers had to meet their end. But in the current era, the position of women has deteriorated badly. With time the status of women has declined and various restrictions have been put on women's rights and privileges, birth of a daughter became a disaster, marriageable age too was lowered, child marriages and the ban on remarriage of the widow become part of life. Women were also put behind the veil, polygamy and the devadasi system had already spread.

In modern times, the traditions of Sati, Jauhar, purdah, and devadasis are banned and many laws were enacted to eradicate social evils.⁹ However, some instances are still in India. The Indian women still practice purdah in some communities and child marriage still prevails in rural areas and is illegal according to current law¹⁰.

There have been some of the traditions or customs that were being followed in the historical period such as Sati wherein the wives are immolated alive on their husband's funeral pyre. The Roop Kanwar case¹¹ in Rajasthan led to the commission of the Sati (Prevention) Act, 1987. This is banned but still, it is not completely stopped. Jauhar was a practice wherein the wives and daughters of the defeated warriors voluntarily sacrificed their lives to avoid capture or consequent molestation by the enemy in a mass suicide. The Rajput ruler's wives started the practice of the Jauhar even while their husbands were alive and fighting the last battle. Purdah was practiced by Muslim women and some Hindu communities to cover themselves in front of males for modesty. Devadasi is often misused as a religious practice. It was practiced in southern India, in which women were married to the deity or a temple. In ancient India, prostitutes have been referred to as 'Devadasis'.

As per ancient Hindu lawgiver Manu: "Women are supposed to be in the custody of their father when they are children, they must be under the custody of their husband when married and under the custody of her son in old age or as widows. In no circumstances she should be allowed to assert herself independently"¹².

RECENT DAY CRIMES AGAINST WOMEN AND THE LAW

1. DOWRY & DOWRY DEATHS

*"On one hand people regard women as Devi (goddess), on the other hand, they burn them alive. This is against the norms of civilized society it's barbaric"*¹³

Dowry is one of the most common evil practices that has been prevailing in society from ancient times. In India every day 20 girls either are killed or commit suicide due to the

⁹ The commission of Sati (Prevention) Act, 1987

¹⁰ The prohibition of Child marriage Act, 2006

¹¹ <http://www.unipune.ac.in/snc/cssh/HumanRights/07%20STATE%20AND%20GENDER/06.pdf>

¹² Mamta Rao, Law Relating to Women and Children

¹³ Quoted by Justice Markandey Katju

harassment for dowry¹⁴. It spreads like cancer as the parents of the bride usually go bankrupt trying to get their daughter married off to the houses with unlawful greedy demands and those innocent brides suffer violence behind doors with repeated demands of their husbands and his relatives. Dowry demands do not end even after paying off it during the marriage, but it is just the beginning of the endless demands. If the demands are not fulfilled, the brides are tortured, abused not just physically but even psychologically. The abuse is so grave that they are even killed, burnt alive, or forced to commit suicide. These deaths are termed as Dowry Deaths¹⁵ but these are not deaths but “Murder”. Not just the brides but sometimes even the parents of the bride commit suicide unable to pay off the dowry for their daughters. Due to this evil prevailing in society, the daughters are often seen as economic liabilities for the parents. This gives rise to parents taking loans for the dowry of their daughter and not her studies. It is the root cause of Many other evils such as Domestic Violence, Cruelty, and the increasing demand that has led to female foeticide and female infanticide.

Dowry deaths as defined under sec 304 B of the Indian Penal Code relating to a bride's death either by suicide or murder committed by her husband or his relatives soon after the marriage because of the unreasonable demands towards dowry. Dowry deaths also include bride burning where brides are doused in kerosene and set ablaze by the husband or his family. Where the death of the woman has been caused due to any normal circumstances or bodily injury, burns within 7 years of marriage and where it shows that she was subjected to cruelty or harassment by her husband or any in-law with in connection with demand of Dowry, such person shall have been deemed to have caused her death¹⁶.

2. DOMESTIC VIOLENCE

One of the most common crimes against women in India is Domestic Violence where the life of a woman, her health, safety is in danger physically as well as mentally. In such situations, a woman is usually harassed, humiliated, and beaten. She is treated like an animal wherein her husband thinks he has the liberty to do anything with her be it slapping, pulling her hair, sexually abusing her, etc. However, educated or your financial status does not matter here, as your immoral act shows you do not have humanity. Out of all the crimes and violence

¹⁴ <https://www.shethepeople.tv/top-stories/opinion/dowry-deaths-reality-in-india-but-until-when/>

¹⁵ https://www.indiacode.nic.in/showdata?actid=AC_CEN_5_23_00037_186045_1523266765688&orderno=342

¹⁶ Sec 304 B of IPC

subjected upon women, 30% of the cases are from their homes only. Each day a no. of women gives up their lives due to harassment.

In our country, in every 3 women, 1 woman is subjected to Domestic Violence. If they are not safe in their own homes then where are they? If we see in the recent Coronavirus pandemic the cases of DV have increased drastically than the other times. This happens as during this time everyone was locked up together for 24*7 where the abusers get more chances to abuse their wives and in such a situation women have no means to escape. As to the report of the National Commission of women¹⁷, in the year 2020 the no. of cases of domestic violence is gradually increasing with time. The statistics are not the actual figures of the women who are facing these issues because many of the women do not voice out the issue. This issue or rather a crime needs to be brought to light and every woman who is subjected to domestic violence should stand for herself. As per law, this is a crime but, in our society, it is not a crime. Why? It is crucial to understand that domestic violence is not only between people who are spouses but it can also include several relationships that a person is bound within a family.

The government had enacted the Protection of Women from Domestic Violence Act, 2005 for safeguarding women against domestic violence. Under the provision of Sec. 3¹⁸ mentions that any act or omission done by the respondent which harms, injures, threatens, or abuse physically, sexually, verbally, or economically will commit an act of Domestic Violence. Further, Section 498 A of the Indian Penal Code criminalizes any act of harassing the lady in the house, either physically or mentally, for dowry. In the case of Sandhya Wankhade v. Manoj Bhimrao Wankhade¹⁹, the issue in question was of the definition of 'respondent' as provided under Section 2 (q) of the Domestic Violence Act of 2005 which provides expressly males as respondents. The Court interpreted the proviso provided under the section and held that female relatives of the husband are also included under the ambit of respondents. In another case of D. Veluswamy v. D. Patchaiammal²⁰, under Section 2 (a) of the Domestic Violence Act, 2005, the scope of 'aggrieved person' was widened. The Court enumerated five ingredients for a live-in-relationship and provided that the same provisions of domestic violence will be applied to live-in-relationship as applied in marriage or other domestic relations.

¹⁷ <http://ncwapps.nic.in/frmReportNature.aspx?Year=2020>

¹⁸ the Protection of Women from Domestic Violence Act, 2005

¹⁹ <https://indiankanoon.org/doc/134989405/>

²⁰ <https://indiankanoon.org/doc/1521881/>

Section 498A was introduced in the year 1983 to deal with the issue of cruelty by a husband or his relatives. According to the section “Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine”.

Haruki Murakami has expressed the feeling of a victim of domestic violence as “I am living in hell from one day to the next. But there is nothing I can do to escape. I don't know where I would go if I did. I feel utterly powerless, and that feeling is my prison. I entered of my own free will, I locked the door, and I threw away the key.”²¹

3. ACID ATTACK

*"I am not a victim; I am a survivor. The man who attacked me will cover his face, I won't."*²²

Acid Attack is one such heinous crime that is committed against the woman to take her away from the people, the society. This somewhere leads to the commission of Suicides by the victims and only a few emerge as survivors such as Laxmi Agarwal, who challenged societal norms, fought against the acid attack challenging the sale of acid. This is growing at an alarming rate in India. Such attacks are generally an act of revenge when a woman rejects the proposal. It is Crime out of Passion against the jealousy of a Man. The feeling of Insult to a man makes him commit such a heinous crime so that the woman cannot be anyone else's too if she cannot be his. The survivors are left with long-drawn treatments and scars for a lifetime making them remember the pain she had gone through every second. Attack on women with the weapon of Acid not just injures her physically but also psychologically, socially, and emotionally. The pain and agony don't end there, it is just a part as our society will never allow them to move forward, the fighter never fails if she has her willpower. The assailants are free to roam without any guilt and they even escape the law with minimum or no punishment at all. Society turns their face away from the survivors and they are left alone to fight or to say Die. Woman not just demands justice but also needs the acceptance in the society so that she can walk with her head high. She fights back for her recognition, her dreams, and her self-confidence which was all tarnished in a sec just like her body.

*"He changed my face, not my heart. He threw acid on my face, not my dreams." – Laxmi Agarwal*²³

²¹ <https://www.goodreads.com/quotes/1033080-i-am-living-in-hell-from-one-day-to-the>

²² <https://www.herzindagi.com/inspiration/laxmi-agarwal-acid-attack-survivor-inspirational-quotes-article-177685>

Supreme Court had passed a judgment in 2013 bringing about an amendment in the criminal law regulating the sale of Acids, providing a valid photo identity, and registering the name and address of the buyer before handling the product²⁴. There was an increase in acid attacks even after the guidelines were passed by the Supreme Court. Mere framing of laws won't help until and unless they are strictly implemented and monitored. There is a need for proper legislation and also medical facilities to be provided to the victims at the first instance.

Laxmi also states that *"I learned to live with the physical pain but what hurt more was the way the society reacted. My relatives stopped seeing me as did my friends. I stayed indoors for eight years and ventured out only in a ghunghat."*²⁵ Hence the emotional pain is more than physical.

4. RAPE

Rape is sexual intercourse by a person with another without his\her assent, in India rape is a crime and it is explained under section 375 of IPC. In ancient times women were considered as the property of their father and her husband after marriage. Rape is not just a physical hurt but it also affects the lady mentally, causing anxiety, sleeplessness' shock, and suicidal tendencies. It also affects her reproductive health as it causes trauma to her reproductive organs, UTI, STDs, bladder infections, etc. And also invites long-drawn symptoms like negative self-image, insomnia, sexual dysfunction, and eating disorders.

The very definition of rape in section 375 needs to be changed. The only legal remedy so far, for the women is under section 498-A of IPC which manages the ruthlessness, ensuring against the "unreasonable sexual direct by the spouse"

It has been observed by Indian Court that, "It not only destroys the physical frame of the body of the victim but also degrades helpless females in the society and public at large. Rape destroys the entire psychology of a victim and pushes her into a deep emotional crisis."²⁶

Rape is the only crime where the victim becomes the accused and is given differential treatment as if she invited and caused upon herself the derogatory act. Even their owns turn their face away from them but why? Just because of their cheap mentality. They leave her to

²³<https://www.herzindagi.com/inspiration/laxmi-agarwal-acid-attack-survivor-inspirational-quotes-article-177685>

²⁴ <https://blog.ipleaders.in/reasons-behind-acid-attack-still-being-the-most-grievous-assault/>

²⁵<https://www.herzindagi.com/inspiration/laxmi-agarwal-acid-attack-survivor-inspirational-quotes-article-177685>

²⁶ <https://indiankanoon.org/doc/11788004/?type=print>

die, to face this so-called society on her own, to bear all allegations wherein she was subjected to crime. It's not just the body of the woman that is raped but it also destroys her soul, respect, identity, self-respect, pride, security, purity, esteem, and her dreams. It is high time we teach the men what consent means. Why can't a rape victim be happy again, why can't they start their life all afresh again? Why can't she get back her respect again?

It is socially accepted that a woman wouldn't cause her reputation and honour by reporting a crime of sexual assault against herself. This is not a case of a single woman, we don't know how many of the women are hiding in the dark who aren't able to live nor die, who don't dare to come out and face this society, who are stopped by their own family fearing their so-called respect. Only a few gather the courage to fight the world for themselves, for their self-respect.

Marital Rape

Marital rape is sexual intercourse by a man with his spouse, during wedlock, without her consent, by forcing her or threat of any kind to put her in danger. Plainly stating, forced intercourse within marriage is marital rape. It is the most serious violation of a woman's bodily integrity. Rape sadly does not include marital rape if she is not a minor.

In India it is a socially accepted practice that a woman is not entitled to 'refuse' or say 'no' in the ostensible sacred institution of marriage, 'no' is considered to be a taboo in our society and the woman is considered as the property of the husband. It is so believed, rather assumed that a woman consents to everything that happens to her within her marriage once she is tied to this institution. Marital rape is considered a crime if the wife is of age less than 18 years, and also the punishment is milder, thus no consideration of women of age more than 18 years. It doesn't mean if a person is her husband, it gives him the right to rape her or it will not affect her as it would have been effective if she was not married to him. It not only needs to be a crime but it also infringes the right of the lady to live with dignity and it is also a right to have bodily self-determination. Is marriage a permit to rape? Does marriage mean the submission of a human entity to another? All these questions are to be answered by the judiciary and law. Sadly, we still don't have any proper answers. Marital rape, when husband or wife continues to live together is not illegal in India. The concept of marital rape is either esoteric or ignored in the statutes and it is solely dependent upon the judges to consider it or not. Under section 376, exception 2, of IPC, sexual intercourse or sexual acts by a man with his wife, the wife not being under fifteen years of age, is not rape. Sec. 376 B of the 2013 law made forced sexual intercourse by a man with his wife – if she is living separately – a crime,

whether under a decree of separation or otherwise, punishable with at least a 2-year prison term. Forced sex by a man on his wife may also be considered prosecutable domestic violence under other sections of Indian Penal code, such as Section 498(A) as well as the Protection of Women from Domestic Violence Act 2005.

In a recent Judgment by Chhattisgarh High Court, it was stated that “ Sexual Intercourse or Any Sexual Act by Husband with Legally Wedded Wife Not Rape Even If It Was by Force or Against Her Wish”²⁷ while in another Judgment Kerala HC upheld that although marital rape is not penalized in India, rather it is a good ground to claim Divorce.²⁸ Whereas Bombay Sessions Court stated that “Husband Having Sex with Wife Against Her Wishes Not Illegal”²⁹

5. SEXUAL HARASSMENT AT WORKPLACE

Sexual harassment at the workplace is one of the common crimes against any working woman. Many women in India have faced sexual harassment at the workplace or while visiting any place that arises during work. Sexual Harassment is defined as an unwanted, unwelcome, uninvited, action or behaviour of a person that causes discomfort, humiliation, or distress to the other. It means the direct or indirect sexual contact, remarks, or conduct on part of the male colleagues against their women colleagues at any workplace. The majority of such cases are directed towards a woman by men working at a high position in an organization. This attacks the dignity and self-respect of the person not just as an employee but also as a human being. Therefore, the issue of sexual harassment is directly linked to the core concerns to improve working conditions and respect for the dignity of workers. Sexual harassment at a workplace is an unwelcome behaviour as it affects not only the terms & conditions of employment but also has a huge bearing on the working environment of an organization. sexual harassment results in violation of the fundamental rights of a woman to equality and the right to practice any profession or to carry on any occupation, trade, or business which includes a right to a safe environment free from sexual harassment. Although

²⁷<https://www.livelaw.in/news-updates/marital-rape-sexual-intercourse-sexual-act-husband-wife-not-rape-force-against-her-wish-chhattisgarh-hc-180283>

²⁸<https://www.livelaw.in/news-updates/marital-rape-ground-for-divorce-kerala-high-court-marriage-privacy-179014>

²⁹<https://www.livelaw.in/news-updates/marital-rape-husband-having-sex-with-wife-against-her-wishes-not-illegal-mumbai-court-in-bail-plea-179608>

many women raise their voices against sexual harassment, there are still a large number of unreported cases as the women think that if they raise their voice or protest against the abusers they might have to be subjected to even worse crimes like assault, acid attacks, or even rapes. It is the women`s fundamental and legal right to have a safe work environment. Where there are so many crimes against women in India, so much injustice, gender inequality, sexual harassment, hostile work environment, will she ever have the freedom of equality and ever will her fundamental rights be secured or she just needs to compromise, back off and stay as she is now. To deal with such injustice and to provide better and safe working conditions, there was a need to bring in effect “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.” In the landmark judgment of, Vishaka v. State of Rajasthan³⁰, Supreme Court has laid down exhaustive guidelines to prevent sexual harassment of working women in the places of their work until legislation is enacted for this purpose.

6. FEMALE FOETICIDE

Female infanticide is nothing less than killing an unborn baby because of her gender. It can also be termed as sex-selective abortion. Indian society has always been living under the perception that sons hold a higher position than daughters. This is the reason that society has stereotyped girls and perceived them as inferior to boys. It is a distressing position in a nation where we talk about “Beti Bachao, Beti Padhao” and “Women Empowerment” and on the other hand, we kill our daughters mercilessly. The only question which remains unanswered is that what was the fault of the daughter who was about to take birth?

7. SEXUAL ABUSE

Sec 354A IPC defines Sexual Harassment which includes unwelcome touching, asking or demanding for sexual acts, making remarks of Sexual nature or showing any such pornographic materials. When someone touches or observes or even looks at a woman that way, she feels discomfort, she doubts her intuitions at times also because 70% of the abusers are their knowns. These people can force themselves on anyone be it a 6-month girl child or a 60-year-old woman. It's because of such abuses women are just made to be locked up in the houses because if they come out the intentions of these men would be tarnished. It feels

³⁰ AIR 1997 SC 3011

utterly disgusting when a man touches you with the wrong intention but this feeling can only be understood by a woman.

It takes years for a woman to trust someone and the moment any such things happen, the trust breaks. They start doubting everyone, getting scared of everyone when they look at them, and despite that who is blamed?

THE LAWS

Various legislations have been passed in India for the protection of women.

The constitution of India guarantees various rights for women in this regard which are:

- Article 14 - equal protection of law and equality before the law.
- Article 15 –rights against discrimination
Article 15(3) - special protection for women
- Article 16 - equality in the opportunity of public employment.
- Article 19 - freedom of speech and expression
- Article 21 - the right to life and personal liberty
- Article 23 - right against exploitation
- Article 39A - Equal justice and free legal aid
- Article 42 requires the state to make provisions for securing humane conditions of work and maternity relief
- article 44 - Uniform Civil Code
- Article 51A(e) - deals with renouncing derogatory to the dignity of the women

The Indian Penal Code 1860

- Section 292 – 294 deals with the sale of obscene books, objects, etc or does any obscene act or sings, recites, or utters any obscene song
- Section 304-B deals with dowry death
- Section 312-314 deals with causing miscarriage
- Section 326 A and B deals with acid attacks
- Section 354 deals with assault or criminal force with intent to outrage her modesty
- Section 354-A deals with sexual harassment

- Section 354-B deals with assault or use of criminal force with intent to disrobe
- Section 354-C deals with voyeurism
- Section 354-D deals with stalking
- Section 359-366 deals with kidnapping and abduction
- Section 370-371 deals with trafficking
- Section 375- 376-E deals with sexual offences, Rape.
- Section 494 deals with marrying again during the lifetime of husband or wife
- Section 497 deals with adultery
- Section 498-A deals with cruelty by the husband or relatives of the husband

The other women-specific legislations are –

- The Dowry Prohibition Act 1961
- The Indecent Representation of Women(Prevention) Act 1986
- The Commission of Sati (Prevention) Act 1987
- The Protection of Women from Domestic Violence Act 2005
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- Muslim Women (Protection of rights on divorce) Act 1986
- National Commission for Women Act 1990
- The Immoral Traffic (Prevention) Act 1956
- The Hindu Widow's Remarriage Act, 1857
- The Medical Termination of Pregnancy Act, 1971
- The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
- The Maternity Benefit Act, 1961
- Equal remuneration act 1976
- The Hindu succession act 1956 which ensures women's right to inherit parental property.

VOICE AGAINST THE VIOLENCE

Are women some object that anyone can use as one pleases, don't women have feelings or their free will, or don't they have the right to say yes or no? What do these men think? That

he can force himself on anyone they desire. Why do all the rules of the society apply only to women, what about men they just have complete liberty they can do anything they want sometimes at gunpoint, or by taking advantage of the weakness or by showing the power of money. They too would be having mothers, sisters, and daughters in their houses then why don't they realize what would those women go through whom they mistreat, abuse, or harass.

Our society says that it happens because of the clothes she wears, they blame the girl for having led the boy. It's the right of women and they have the freedom to choose what they want to do, what they want to wear. Short clothes aren't an invitation, nobody is allowed to judge her. Society tears her apart from their notions about their clothes to their upbringing. But nobody questions the men anything nor anyone teaches them that they should respect women. Is it that if they learn to respect women, they will become weak and if they become weak, they how will they call themselves as Men? If the masculinity of a man lies in such disgraceful acts, then a women's femininity lies in standing up for themselves. It's time to Fight, fight for herself, Fight against her fears and then against all the people with the small mentality in society.

What is the identity of a woman in our society? Why can't she aspire to be self-reliant? If there prevails Gender Equality in our society then why was there the need for the "Beti Bachao Beti Padhao" campaign to even exist? The answer to this lies in the slogan itself. Why is she being treated that way? A woman should not be imposed either the responsibility of taking care of her home or even doing Job. It should be her choice. If she wants to make a career none should stop her in that and if she wants to take care of her family and children none should object to that. How a woman wants to live her life, what she wants to do, for this she shouldn't need anyone's permission. Moral values do apply to both. Do we need to redefine the moral values separately for men or women?

I want to let all the women know that it is high time to stand up for their rights, to speak against the crimes committed against them, to fight the world for their self-respect. I also request and urge our judiciary to help them and motivate such women to stand for themselves, but this is only possible if the wrongdoers are punished rigorously. They should be punished severely so that anyone thinks twice before even looking at a woman with wrong intentions. What about men they just do it and get away with it, but the one who has suffered it can't cope up with it their entire life. And she is not at fault except that she was born in a society where they are taught to be tolerant and not speak up. Its time to shame the Abuser

and Unshame Her. It is needed to be alert and confide in the close ones. It's not us at Fault but Them.

However only enactments of law will not help but proper implementation of the laws is needed. If justice starts prevailing it will instill hope and belief in women. There also needs equal opportunities for women in the decision making and this would help if we place them as leaders. there is dire need to make the laws gender- neutral and equal sanction on all, whether the person is married or not. But merely declaring the act as criminal is not enough, the people need to be made aware, and the police and judiciary to be sensitive. When a woman is raped, the accused is punished but when a woman is raped by her husband the judiciary suddenly closes its eyes. We need to criminalize Marital rape. Women are also needed to be educated about their rights under the Indian Constitution and should be made aware of their legal rights and the different portals made available for their protection³¹. Though there are fast-track courts available for providing speedy remedy, the number of magistrates present in these courts should also be increased so that they are not overburdened and can review all the pending and latest cases within a reasonable period.

CONCLUSION

That day there will be complete justice when every woman can take decisions for themselves, fight against her wrongdoers with head high, and when the mindset of our society improves. Every woman has her own unique identity before being anyone's daughter, wife, daughter in law or mother. People forget that there's not just a Lakshmi and Saraswati in a woman but also Durga and kali and the moment she takes the form of a warrior she can destroy the whole world, she can ruin the entire existence of that person, and the sooner the society realizes this it's better. It's Mother India who bleeds every time her daughters suffer and once, she pledges revenge, the whole universe would end.

I would end by quoting that:

“Mai Naari hu, Mai Prerna hu,

Mai saree bhi pehnungi, Sudarshan bhi uthaungi,

Mai shringaar bhi Karungi, Ranbhoomi mai bhi ladungi,

³¹ <https://blog.ipleaders.in/overview-of-increasing-crimes-against-women/>

Mai Naari hu”³²

As rightly said a woman can do all things, while she can take care of the house and family on one hand, on the other she can fight on the battlefield if needed for herself.



³² Quoted by Mishakealfaaz