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An Analysis of Violence against Women in India

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Abstract - Violence against women has long been a problem, in times of peace and war. This violence ranges from very mild teasing to rape and murder, and takes place at home, in the streets, at work places, jails, in short everywhere. Few crimes against women are reported, fewer still prosecuted, and a negligent number of accused are actually punished. In the absence of detailed studies on incidence, it is difficult to come up with suggestions to reduce if not abolish such violence. There is an urgent need for more studies on this violence so that the psychology of the violators is better understood. Instances of violence need to be thoroughly investigated, and ways and means devised to reduce their incidence. There is need for quick and severe punishment for the accused, which would act as a deterrent too. Any society, in which half the population is not assured of safety, needs to reconsider its claim to being civilized.

Index terms: Women, violence, Rape, safety, crimes.

INTRODUCTION

The year ending of 2012 brought home to many Indians the stark reality of crime against women in our country. The brutal rape of the 23 year old student in Delhi, and the anger that shook the country brought into focus such crimes, which had rarely touched the lives of common people. For over two weeks, the news took the centre space in the living rooms of most families in India, and shook the conscience of the people as never before. The government constituted the Justice Verma Commission, which submitted its report in a record time, giving recommendations on various aspects of crimes against women (Verma, Seth and Subramanium 2013).

The government also ordered fast track courts to be set up to try these cases and some of the fast track courts have started functioning. The impact of these affirmative actions will hopefully lead to a reduction in crimes against women, which is yet to be seen. However it is time for all of us to examine various aspects of such crimes from a scientific Perspective to learn more about them, so as to help reduce if not abolish them completely. Violence against women is a violation of human rights; it is neither unchanging nor inevitable and could be radically reduced, and eventually eliminated (Study of the Secretary General 2006). There are three aspects of this crime which the society needs to take care of, the first being prevention of rape. The second important responsibility of the society is sensitive management of victim after the crime (Azikiwe, Wright, Cheng and D’Angelo 2005), and lastly punishment of the perpetrator of the crime. It is often argued that prevention of rape requires a change in the mindset of the society and cannot be brought about immediately; the second and third aspects are well within immediate reach. Specialists in different fields are actively studying various aspects of violence against women. One finds a large body of data being published annually which helps us understands what others 3 have learnt through long research.

While collecting information on violence against women one point comes across very strongly, and that is there isn’t enough research done on the subject. When one goes through the databases, one is struck by the paucity of data on violence against women, all over the world. Of the 19,708 journals listed by SCImago, only 81 are devoted to gender studies, while 114 are devoted to artificial intelligence and 113 to anthropology. Thus not only are women’s issues relegated to an obscure place, not many are interested in studying these, including women themselves. In this paper, we have pieced together the various issues related to violence against women.

We believe that a proper understanding of such issues is imperative in tackling this menace. Violence against women In studying violence, we encounter numerous problems, the first being that we really do not know what should be counted as violence against women and what should not. Starting from simple appreciative glances, to the last most violent crime, we are not sure where to draw the line. What may appear to be simple teasing to a group of college boys loitering near their canteen may have profound effects on the victim. After all, not all girls can
withstand teasing to the same extent. Molestation is the act of subjecting someone to unwanted or improper sexual advances or activity. This could be done with gestures, words or actions.

Women from childhood onwards have learned to recognise these signals, which men may not comprehend at all. There are many studies on the effect of molestation on the psychology, behaviour, sexual orientation of victims, but hardly any on the effect of habitual molestation on the perpetrator himself. A milder form of violence has been euphemistically called ‘eve teasing’, making what is essentially an offensive and hurting act, almost an acceptable form of entertainment. It is celebrated in books, films and songs and is most commonly seen on streets, public transport and college campuses. To what extent does habitual eve teasing pave the way for more serious crimes, like rape, one does not know - it has not been studied. Nonetheless it is clear that violence against women covers a very wide spectrum of activities ranging from eve teasing to rape and murder. There is an inverse relation of incidence of the act and impact on the victim. Thus eve teasing has high incidence and low impact, while rape has low incidence and high impact.

CAUSE OF VIOLENCE AGAINST WOMEN

Following the rape and murder of the Delhi student on December 16, 2012, there have been debates and discussions on the causes, remedies and punishments for crimes against women. For weeks, news concerning the rape and agitations that followed reigned supreme on the country’s news channels. Active in these debates were law makers, lawyers, jurists, police officers, celebrities, and women’s activists, but conspicuous by their absence were criminal psychologists who have studied rape as a phenomenon and examined the methods or modus operandi of 8 rapists.

The debates were fuelled more by passion, emotion and law, but what was lacking was expertise on criminal behaviour or psychology. Rape of women by men has occurred throughout recorded history and across cultures. McKibbin, Shackelford, Goetz and Starratt (2007) have studied rape from an evolutionary psychological perspective. Evolutionary psychology is a powerful heuristic that allows researchers to develop and test novel hypotheses about complex behaviours such as rape. They propose that rapists be characterised as belonging to one of several types, distinguished by individual differences as well as by the circumstances in which they are predicted to commit rape such as:

- Disadvantaged men
- Specialised rapists
- Opportunistic rapists
- High-mating-effort rapist
- Partner rapists

A large number of workers have however proposed different causes for rampant crime and its underreporting. One report seems to suggest that the rise in population has led to a fall in values and hence crime has risen (Naidu and Nayak 2007). Criminalisation of politics is blamed by another for the rise in crime against women (Mukherjee, Rustagi and Krishnaji 2001). Blame has also been apportioned to the immensely popular film industry of India, which thrives on typecasting women and often glorifies crimes against them (Dasgupta 1996). Women are vulnerable members of the society, but all women are not equally vulnerable. Those women who are poor or widowed or belong to a particular caste or region are more vulnerable than others. In the recent decades, people from Northeast of India, particularly women have been the target of attacks in different Indian cities. North-eastern women have been particularly targeted for sexual assault, for reasons that seem to defy logic. Chandra (2012) studied the fate of people of North-eastern origin in India, identified a number of causes as to why they are violently targeted, but failed to specify any remedial measures. Nepram (2010) made a detailed analysis of violence against women in the Northeast but concentrated more on the crimes committed by armed forces attempting to curb insurgency there.

Human Rights Watch investigations in the former Yugoslavia, Peru, Rwanda and Somalia have revealed that rape and sexual assault of women are an integral part of conflict, whether internal or international in scope (Watts and Zimmerman 2002). Since biblical times, the incentive for the march of an advancing army has been the
rape and loot of conquest. Rape as a weapon has been widely used in Bangladesh, the former Yugoslavia and Rwanda (The Human Rights Watch Global Report 1995, Sharlach 2000).

**PUNISHMENT FOR VIOLENCE**

Worldwide there is clamour for enhancing the punishment for rape (MacDonald 2000). Women’s Rights activists and others from cross-sections of the society are examining and suggesting ways and means of enhancing the punishment for rape, in the hope that such an enhancement will prove deterrence (Saumya 2012). Another group is equivocal in suggesting that enhancing the punishment for rape to death, will actually lead to the rapist killing his victim (since the punishment for murder is also death). There is however very little data to suggest that such an effect has been seen elsewhere in the world or is likely to be seen. It has often been overlooked that rapists have different psychological profiles, and not all are apt to kill their victims (Hazelwood and Warren 1989). On the other hand there is no evidence of death sentence being a deterrent for any crime (Baxi 2000). The public outcry over the rape in Delhi in December 2012, forced the government to push through a number of initiatives to improve women’s safety in India. These have been more of knee jerk reactions. The Justice Verma Committee has already handed over its recommendations to the Government of India. It has made widespread recommendations for prevention and 13 management of rape cases and other incidents of violence against women. The ball is now literally in the court. However one point that comes strongly across is the need to systematically study the phenomenon of violence and come out with evidence based recommendations to contain it. The NCRB records that there were 128,592 convicted prisoners as against 241,200 under trials in Indian jails in 2011, of which 7,000 have been convicted of rape (Prison Statistics in India 2011).

This is indeed a sizeable population and their psychological profiling will provide invaluable understanding in the psyche of the rapist. Harris and Hanson (2004) examined sexual recidivism, as expressed by new charges or convictions for sexual offences, using the data from 10 follow-up studies of adult male sexual offenders, with a combined sample of 4,724. Results indicated that most sexual offenders do not repeat the offense, and that first-time sexual offenders are significantly less likely to repeat them, than those with previous sexual convictions.

Additionally offenders over the age of 50 are less likely to repeat the offense compared to younger offenders. It was also found that the longer offenders remained offence-free in the community, the less likely they are to re-offend sexually. It is urged that comprehensive studies should be undertaken at the earliest in India to provide a basis for measures taken to fight this problem. It is only through research that one can hope to get insight into the genesis of this and afford protection to women. It is essential to provide women with an environment, where they are mentally and physically safe. Safety of women is another parameter to be added to the index evaluating a country’s development. Any society, in which half the members live in perpetual fear, needs to re-examine its claim of being civilised.

**VIOLENCE AGAINST WOMENS ACT**

The Violence Against Women Act was developed and passed as a result of extensive grassroots efforts in the late 1980s and early 1990s, with advocates and professionals from the battered women’s movement, sexual assault advocates, victim services field, law enforcement agencies, prosecutors’ offices, the courts, and the private bar urging Congress to adopt significant legislation to address domestic and sexual violence. Since its original passage in 1994, VAWA’s focus has expanded from domestic violence and sexual assault to also include dating violence and stalking. It funds services to protect adult and teen victims of these crimes, and supports training on these issues, to ensure consistent responses across the country.

One of the greatest successes of VAWA is its emphasis on a coordinated community response to domestic violence, sex dating violence, sexual assault, and stalking; courts, law enforcement, prosecutors, victim services, and the private bar currently work together in a coordinated effort that had not heretofore existed on the state and local levels. VAWA also supports the work of community-based organizations that are engaged in work to end domestic violence, dating violence, sexual assault, and stalking; particularly those groups that provide culturally and linguistically specific services. Additionally, VAWA provides specific support for work with tribes and tribal organizations to end domestic violence, dating violence, sexual assault, and stalking against Native American women.
Many grant programs authorized in VAWA have been funded by the U.S. Congress. The following grant programs, which are administered primarily through the Office on Violence Against Women in the U.S. Department of Justice have received appropriations from Congress:

- STOP Grants (State Formula Grants)
- Transitional Housing Grants
- Grants to Encourage Arrest and Enforce Protection Orders
- Court Training and Improvement Grants
- Research on Violence Against Native American Women
- National Tribal Sex Offender Registry
- Stalker Reduction Database
- Federal Victim Assistants
- Sexual Assault Services Program
- Services for Rural Victims
- Civil Legal Assistance for Victims
- Elder Abuse Grant Program
- Protections and Services for Disabled Victims
- Violence on College Campuses Grants

VAWA HAS IMPROVED THE CRIMINAL JUSTICE RESPONSE TO VIOLENCE AGAINST WOMEN BY

- Holding rapists accountable for their crimes by strengthening federal penalties for repeat sex offenders and creating a federal “rape shield law,” which is intended to prevent offenders from using victims’ past sexual conduct against them during a rape trial;

- Mandating that victims, no matter their income levels, are not forced to bear the expense of their own rape exams or for service of a protection order

- Keeping victims safe by requiring that a victim’s protection order will be recognized and enforced in all state, tribal, and territorial jurisdictions within the United States;

- Increasing rates of prosecution, conviction, and sentencing of offenders by helping communities develop dedicated law enforcement and prosecution units and domestic violence dockets;

- Ensuring that police respond to crisis calls and judges understand the realities of domestic and sexual violence by training law enforcement officers, prosecutors, victim advocates and judges; vawa funds train over 500,000 law enforcement officers, prosecutors, judges, and other personnel every year;

- Providing additional tools for protecting women in Indian country by creating a new federal habitual offender crime and authorizing warrantless arrest authority for federal law enforcement officers who determine there is probable cause when responding to domestic violence cases. VAWA has ensured that victims and their families have access to the services they need to achieve safety and rebuild their lives by:

- Responding to urgent calls for help by establishing the National Domestic Violence Hotline, which has answered over 3 million calls and receives over 22,000 calls every month; 92% of callers report that it’s their first call for help;

VAWA HAS CREATED POSITIVE CHANGE. SINCE VAWA WAS PASSED

- Fewer people are experiencing domestic violence. Between 1993 to 2010, the rate of intimate partner violence declined 67%;
- Between 1993 to 2007, the rate of intimate partner homicides of female
- decreased 35% and the rate of intimate partner homicides of males decreased 46%
- More victims are reporting domestic and sexual violence to police, and reports to police are resulting in more arrests.
- States have reformed their laws to take violence against women more seriously: All states have reformed laws that previously treated date or spousal rape as
  - a lesser crime than stranger rape; All states have passed laws making stalking a crime;
  - All states have authorized warrantless arrests in misdemeanor domestic
- Survivors who must leave their jobs because of the abuse.

REFERENCES


