

SEXUAL VIOLENCE AGAINST WOMEN IN INDIA

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ABSTRACT: *Relational brutality whether it is sexual or nonsexual, remains a noteworthy issue in expansive pieces of the world. Sexual viciousness against woman is increasing day by day in India. Aside from sexual satisfaction itself, sexual viciousness against women is regularly a consequence of unequal power conditions both genuine and saw among people and is additionally firmly affected by social factors and qualities. Inside sociocentric and conscience driven societies, the jobs and portrayals of sexes, and frames of mind toward sexual viciousness contrast. Societies which are depicted as women's activist, give approach capacity to the two people. Sexual savagery is probably going to happen all the more usually in societies that encourage convictions of saw male prevalence and social and social mediocrity of ladies. Despite the fact that culture is a vital factor to comprehend sexual viciousness completely, we have to take a gander at, just as past social structures, their qualities and shortcomings. This paper is an attempt to discuss the various sexual offences directed towards women in India*

INTRODUCTION

Sexual violence is an rampant since time immemorial and women have been always the target of such exploitation.

Sexual violence against women means violence against women or gender-based violence act which results in or likely to result in mental, physical or sexual harming of women, including threatening to do so.

Sexual violence can be take place in many places like in metros, buses, trains and crowded places like festivals, fairs, etc. Women are subjected to suggestive touch by hand or other parts of the body making them insecure and causing lose of trust in the male gender because of wide spread adverse experiences during travels, sports, or festive crowds. Such behavior leads to women being the subject of stigmas, taboos, and long-term effect on mental and physical health of a women. Sometimes it leads to death and other disabilities among women, and when women tries to come out of this stifling society and choosing their own partners then instances of honor killing based false pride, shallow believes, radical religious practices are all contributory to creating an atmosphere of gender bias against women which is also an act of suppressive sexual violence.

And causes of sexual violence are not confined to the cities but different kind of sexual abuse is prevalent in the rural segment of in Indian society. There have been practices and norms in social fabric of India where women were also forced into polyandry, orthodox religious practices like a widow either not being allowed to remarry or forced to marry his brother (husband's) are also examples of such violence, which scars the psychology of women.

One of the five women has been physically and mentally abused by a man at some point in her life. Incestful risks come from close relatives, neighbours and known persons. From their father, neighbours, husband and other near by mans rather from strangers. ¹

TYPES OF SEXUAL VIOLENCE

There are various types of sex violence such as verbal, emotional, physical, or sexual abuse or all of these in combination.

1) Rape:

when a man forcefully do intercourse with a women without her will/consent by threatening her verbally or physically, and the rape take place when the victim can not refuse or resist to defend herself against the perpetrator.

In India the most committed crime against women is rape.

Inappropriate touch around genitals or minor girls or otherwise also without the consent, also tends amount to rape without consent and deriving carnal knowledge of a women without her consent.

Now days a new trend of sexual violence or rape has been observed when the rapist work in a

group and record the act.

2) Sexual assault:

When a person has been forced by verbally or physically to participate in sexual activities even without the consent, when the person feels uncomfortable, threatened and scared by a unwanted sexual behavior.

3) Domestic violence:

When a person is being emotionally, psychological and physical damaged by the irritant behaviour of another person within the home, it can be her husband or other person in home.

Most of the married women experience physical or sexual violence by their husbands only rather than anyone else.

Domestic violence is widely spread and it impacts on the health of women. It's existence in society is unpardonable. Yet no other major problem like this has been ignored and less understood.

4) Stalking crimes:

When a person spies on another person which develop a feeling of fear in the mind of the other person.

Stalking is a crime under IPC under section 354D(1)(1) which has been inserted by The criminal law (Amendment) Act, 2013.

REASONS OF SEXUAL VOILENCE AGAINST WOMEN

In ancient India, perhaps in the Vedic times the female gender was more librated and respected, examples of which are reflected in the Ajanta ellora cave and other women monuments. But during the last few centuries the evolution of social fabric got shredded because inter religious, inter-cast, inter-communal insecurities and lack of trust which inhabited the growth of a civilized mind.

In 12th and 13th women were abducted by foreign invaders which probably lead to the society being more restricted towards women. Women were subjected to weaker gender and suppressed by the male gender.

One of the main reasons for sexual violence against women is such kind of sadistic behavior stamps from lack of education, awareness, leading to deviant sexual behavior. Here the famous "psychoanalytic theory" of "Sigmund Freud" becomes relevant where he projects that most of the deviant behavior of men is rooted in the sexual approach in the mind. According to him the behavior of a human is the result of his interaction with other humans.²

JUDICIARY AND PROTECTION OF WOMEN

The offences are of various types. They find mention in many enactments. These under-mentioned provisions are enumerated in Indian penal code 1860

- Section 304-B - Dowry death
- Section 354- assault or criminal force to women
- Section 361- kidnapping from lawful guardianship
- Section 366- kidnapping, abducting or inducing a women
- Section 372- selling minor for purpose of prostitution
- Section 376- rape
- Section 376-A- intercourse by man with his wife during separation
- Section 376-B- intercourse by public servant with women in his custody
- Section 376-D- intercourse by any member of the hospital with any women in that hospital
- Section 494- remarriage
- Section 498- enticing or taking away or detain a married women
- Section 498-A- dowry cruelty.³

These are the main offences under the IPC against women. Certain offences are general against all women and certain offences are applicable in respect of married women.

Therefore, a women can go to the court if one is subjected to any discrimination. When we talk about constitutional rights-of women in India, we mainly pertain to those areas where discrimination is done against women and special laws formulated to fight those bigotries. The most important issues stand as those pertaining to marriage, children, abortion, crimes against women, and inheritance.⁴

SUGGESTIONS

The key lies in improving the awareness, education because in developed cities where girls are now widely choosing their partners are being accepted in the society and even the Supreme Court of India has approved

the concept of live-in-relationship consenting major individuals to the extent that recently a women was also allowed alimony through a live-in-relationship. Although India is developing but we need to make better views of technology to spread awareness on mental health and behavior.

Villages should be provided with at least one projectors screens, where there are no schools to improve the health and hygiene of young girls, and spreading awareness of their sexual rights and about their health.

By giving men sanitation, information about how a women feels when she is being harassed by a men and what are the consequences

“A lone Girl at night I not an opportunity but a responsibility”. Why does a stranger become responsibility all of a sudden and what is the need to burdening yourself. You just need to mind your own business and then she will reach home safe and sound. We have generalized the female gender so much vulnerable that we even just don't check the reality. An alone girl at night is ofcourse, not an opportunity nor she is a responsibility. Just bring a little maturity in the mindset that she is equally entitled to be alone without being started at, followed by indecent person, grouped when in crowd or otherwise shamed by male strata.

It is upto the younger generation to take cudgel in fighting against the orthodox suppressive believes so that women are given their fundamental right to choose their sexual behavior and partners instead of promoting a suppressive deviant society.

Sexual violence against women is a directly violation of women's dignity and her life to live without discrimination. Women are the one who raise the future generation they work very hard without getting paid.

The negative impact of sexual violence is directly on their reproductive health, due to this the women can get unwanted pregnancy , miscarriage , still born babies, etc. and most importantly it leads to affect on the maternal morality of women.

CONCLUSION

Crime against women, crime means anti-social, immoral or sinful behavior. It may be offence against morality of social order. So crimes against the women were directly or indirectly torture by the male and they are physical and mentally harassed. There is various crimes against women such as rape, kidnapping, abduction,

¹ The world health organization

² Courses.lumenlearning.com

³ Bare Act Indian Penal code, 1860

⁴ “Dr. Charu Walikhamma, law on violence against women, (serials publications, New Delhi,2009), p.272-276