

Module 3. Gender Issues and Gender Based Violence

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Gender-based Violence as a Human Right Violation

The United Nations defines Human Rights as “rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.” These rights include the right to life and liberty, freedom of opinion and expression, the right to work and education, freedom from slavery and torture, and many others. Every person in the world is entitled to enjoy these rights without any form of discrimination.

Gender-based violence violates several women rights such as the right to life, the right to equal protection under the law, freedom from torture, degrading and cruel treatment, the right to equality in the family and also the right to the highest standard attainable of physical and mental health.

International Human Rights law has for many years been reluctant to address the issue of Gender-Based Violence (**GBV**) and Violence against Women (**VAW**). This was mostly because up until the late 1980s/early 1990s, VAW, especially domestic violence was not considered to be an issue that required to be dealt with in the human rights law.

This, however, changed in 1992 when a report by the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clarified that GBV against women is a form of discrimination and is therefore included in the scope of CEDAW.

Violence against women is understood as a violation of human rights. Our constitution guarantees to all Indian women equality (Article 14), no discrimination by the State (Article 15(1)), equality of opportunity (Article 16), and also enacted SLL for protecting women’s interest.

As per the national crime record bureau report (2018), total 378277 cases of crime against women were reported in the country. Uttar Pradesh topped the list with 59445 cases followed by Maharashtra with 35497 cases and West Bengal 30394. (2018) Majority of cases under crimes against women out of total IPC crimes against women were registered under ‘Cruelty by Husband or His Relatives’ (31%) followed by ‘Assault on Women with Intent to Outrage her Modesty’ (27.6%), ‘Kidnapping & Abduction of Women’ (22.5%) and ‘Rape’ (10.3%). The crime rate per lakh women population is 58.8 in 2018.

Major gender based violence



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Dowry

Dowry is both a practice and a problem associated with the Indian marriage. Though it was more in practice among the Hindus, it has now spread to almost all the religious communities of India. Dowry is a huge problem in our society. Many girls are losing their life in the name of dowry.

Dowry – *“The property, money, ornaments or any other form of wealth which a man or his family receives from his wife or her family at the time of marriage.”*

Meaning and Prevalence of Dowry

Dowry can broadly be understood as the property, in the form of gifts, valuables and money, which a man receives from his wife or her family at the time of his marriage. While it may be commonly believed that dowry is a Hindu practice, it is practiced across regions and religions in India. It is believed that traditionally dowry was given as a symbol of love by the bride’s parents at the time of her marriage to her or her in-laws for her. These gifts varied from money to real estate and sought to ensure some sort of financial independence of the woman in her marital home. In the absence of inheritance rights for women in those times, it was also seen as a substitute for inheritance and offered some financial security to the woman. However, a combination of factors, including the advent of colonial rule, the introduction of the cash economy (including land taxes and land reservation laws), and change in social dynamics, resulted in dowry turning into an oppressive institution, becoming a source of income for men’s families and a social status symbol for both the parties. A husband’s family could use the money as they sought fit and the wife’s family proved their economic stability and well-being by giving a huge dowry.

The practice of dowry is not confined to India. The practice dates back to the late Middle Ages. In medieval Western Europe and later, the dowry was commonly practiced among most, if not all, social and economic groups. In accordance with Roman law, the dowry was practiced in many parts of the Byzantine Empire until its fall to the Ottomans in the fifteenth century. Dowry payments were prevalent in seventeenth and eighteenth century Mexico and Brazil, where Spanish and Portuguese family law governed colonial marriages until those countries gained their independence. In Victorian England, dowries were viewed by the upper class as an early payment of the daughter's inheritance. Only daughters who had not received their dowries were entitled to a part of the estate when their parents died. It has been found that dowry is being practiced among many Asian families in Britain.

Dowry death

Dowry death means death of young women who are murdered or driven to suicide by continuous harassment and torture by husband and in-laws in an effort to extort an increased dowry. Most



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dowry deaths occur when the young women, unable to bear the harassment and torture, commits suicide. Bride Burning means the women is killed by setting herself on fire.

India reports the highest total number of dowry deaths in the world.12826 cases registered under the Dowry Prohibition Act (NCRB-2018).A total of 7277 dowry deaths cases were reported in country during the year 2018. 34.6% of the total cases of dowry deaths were reported in Uttar Pradesh (2,521 cases) alone followed by Bihar (1,111 cases).

Dowry Prohibition Act (1961) The Dowry Prohibition Act was passed in order to prevent the practice of dowry. It was amended in 1986 to make its provisions more severe and stringent. It prohibits the request, payment or acceptance of dowry. Asking or giving of dowry can be punished by an imprisonment of up to 6 months, or a fine of up to 15000 rs.

Domestic Violence

Domestic violence is the most prevalent form of gender-based violence. *It is a pattern of behaviour which involves violence or other abuse by one person against another in a domestic setting, such as in marriage or cohabitation.* Domestic violence can be physical, sexual, economic, emotional or psychological actions or threats of actions that influence another person.

- *Physical Abuse;* Hitting, slapping, biting, hair pulling, etc are types of physical abuse. Denying a partner medical care or forcing alcohol and/or drug use.
- *Sexual Abuse;* Attempting to any sexual contact or behaviour without consent, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.
- *Emotional Abuse;* Undermining an individual's sense of self-worth and/or self-esteem is abusive, constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with her children.
- *Economic Abuse;* Making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at employment.
- *Psychological Abuse;* Causing fear by intimidation, threatening physical harm to self, partner, children, or partner's family or friends, destruction of pets and property, forcing isolation from family, friends, or school and/or work

What are the results of domestic violence or abuse?

Sleeping problems, Depression, Anxiety, Anger, Low self-esteem,Lack of trust in others,Diminished mental and physical health,Inability to work,Poor relationships with their children and other loved ones, Substance abuse as a way of coping, Physical abuse may result in death

Domestic Violence Act -2005; the act was passed by the Indian parliament in August 2005 to protect women from domestic violence and It was brought into force from 26th Oct 2006. Under this law victim can approach either the 'Protection Officer' or the 'Service Provider' and also approach the police or a Magistrate directly. Penalty up to one-year and/or a fine up to Rs 20,000/- can be imposed under the act.



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Sexual abuse

Sexual abuse is abuse of children and youth through the exchange of sex or sexual acts for drugs, food, shelter, protection, other basics of life, and/or money.

Sexual abuse includes:

- Sexual assault: forcing someone to participate in unwanted, unsafe, or degrading sexual activity
- Sexual harassment: ridiculing another person to try to limit their sexuality or reproductive choices
- Sexual exploitation (such as forcing someone to look at pornography, or forcing someone to participate in pornographic film-making)

Effects of sexual abuse

- Self harm - Deliberate self-harm, or self-injury, is when a person inflicts physical harm on himself or herself, usually in secret.
- Sexually Transmitted Infections - A sexually transmitted infection (STI) is a bacterial or viral infection passed from one person to another through vaginal, anal, or oral contact.
- Substance Abuse - If you are concerned that you're using substances in a way that could be harmful to your health or have concerns for someone you care about, consider learning more about the warning signs and places to find support.
- Dissociation - Dissociation is one of the many defense mechanisms the brain can use to cope with the trauma of sexual violence.
- Panic Attacks - A panic attack is a sudden feeling of intense fear and anxiety that happens in situations when there may be no immediate danger. They tend to affect people who have experienced trauma, abuse, or high levels of stress.
- Eating Disorders - Sexual violence can affect survivors in many ways, including perceptions of the body and feelings of control.
- Pregnancy - If you were recently raped, you may have concerns about becoming pregnant from the attack.
- Sleep Disorders - Symptoms of sleep disorders can include trouble falling or staying asleep, sleeping at unusual times of day, or sleeping for longer or shorter than usual.
- Suicide - Suicide is preventable and suicidal thoughts aren't permanent. If you are thinking about suicide, there are resources to give you the support you need to get through this tough time.

Female infanticide

In ancient times, the birth of a girl was generally treated as an unwelcome event in almost all patriarchal societies. Almost everywhere the son was valued more than the daughter. He was considered as a permanent economic asset of the family. He lived with the aged parents and did not migrate like the daughter to another family after marriage. He perpetuated the family line. As he grew into adolescence and youth, he could offer valuable services and co-operation to the family when it had either to defend itself against invaders or to attack an enemy.

What is infanticide?



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Infanticide is the unlawful killing of very young children. It is found in both indigenous and sophisticated cultures around the world.

Female infanticide

Female infanticide is the deliberate killing of girl babies. It is also described as gender-selective killing or "gendercide". (Similar words like 'gynocide' and 'femicide' are used to describe the killing of females of any age). Female infanticide is more common than male infanticide, and in some countries, particularly India and China, is likely to have serious consequences on the balance of the sexes in the population.

The reasons behind it are almost always cultural, rather than directly religious. Poverty, dowry system, births to unmarried women and traditional beliefs are the major causes of female infanticide in India

Infanticide in India

In India this custom was not prevalent during the Vedic period. There is no reference to it in any of the Vedas, Aranyakas and Sanhitas. It is evident, therefore, that the Aryan society in the Vedic period was free from such an inhuman practice. In some of the literatures of the later periods of Hindu civilization, mention has been made of the social preference of a son over a daughter, but no reference is found about infanticide of a female child. Aitareya Brahman mentions that while the son is the hope of the family, the daughter is a source of trouble. Similarly, the Mahabharat says that 'even if a daughter's father occupies the prestigious position of Indra, he has to put up with humiliation with regard to his daughter's marriage. In the circumstances, it was but natural for the 11th century writer of Katha-Sarit-Sagar to observe that 'there is world of difference between the son and the daughter, the former is bliss incarnate while the latter is the root of misery'.

The beginning of infanticide in India is perhaps based on the complicated and complex caste-system and its elaborate rules and restrictions regarding marriage and the oppressive privileges of the Brahmans. Furthermore due to rigid caste-hierarchy and lineage-classification among the Rajput communities of Rajasthan and elsewhere, settlement and performance of marriage had become an extremely difficult social problem which is perhaps one of the major causes of prevalence of infanticide in Rajasthan.

Infanticide was prevalent during the period under review among the Rajputs of Rajasthan, Varanasi, Kathiawar, Kutch, Jabalpur and Sagar. John Malcolm noticed it in Malwa where it was limited to some Rajput chiefs of higher classes. It was also prevalent among the Jats of Agra territory and Mandvi, the adjoining district of Kathiawar in the peninsula of Gujarat. In the Punjab, in the districts like Jhelum and Rawalpindi and in some other districts like Mandi, Jammu and Kashmir also this practice was prevalent. In special circumstances the Sikhs also killed their infant daughters.

The Jahreja tribe who were Rajas of their caste concentrated in Morvi, Gondal, Rajkot and Jamnagar, used to kill their newly born daughters on the advice of their Rajgurus. The parliamentary papers on infanticide of 1824 and 1828 give the extent and contemporary state of this cruel custom in various parts of the country. These papers gave full account of the crime relating to its origin, practice, nature and causes and to some extent about the steps taken to suppress it.



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Like its origin, the nature of infanticide and the manner in which this horrid practice was perpetuated, involved considerable obscurity. Normally they killed their infant daughters or allowed them to die by denying them all sustenance from their birth. People used to put their daughters to death without any delicacy and without pain and appeared at first unwilling to be questioned on the subject. It was informed that it was the affair of the women, it belonged to the nursery and was no part of the business of men.

When the wives of the Rajputs delivered a daughter, the female attendants who were with the mother conveyed this fact to the eldest man of the family available or to the father of the infant and did as directed. The mother of the child was accordingly informed to act in conformity with their tradition. The mother then put opium on the nipple of her breast which the infant would suck with the milk and die. Sometimes opium was put into the mouth or sometimes the umbilical cord was drawn over the face of the infant to prevent its respiration and the infant died of suffocation. Sometimes a hole was dug and filled with milk and the newly born infant girl quickly drowned in the hole. It has also been revealed from the records that children were put to death by mixing their food with the milky juice of the plant, *Aselepias Gigantica* known as Akawan which is a poison. The destruction of infants was not difficult and was probably affected without a struggle. The natural weakness of the infant, when neglected and uncleaned, causes its death without actual violence. Sometimes it was laid on the ground or on a plank and left to expire. Infanticide used to be committed in a very secret manner, behind the Purdah, so that even the birth of the child was hardly known outside.

The abominable custom of female infanticide was widely prevalent in Rajasthan. It was mainly practiced by some Thakur families though its occurrence was also found among the lower ranks of the Rajputs, Puryar Meenas of Jahazpur, Thakurs residing on the frontier tracts of the region between Bundi, Jaipur and Mewar as also among the Mairs of Mairwara in the British territory of Ajmer.

Problems of working women

In the economic field the situation is such that majority of women who are ready to work are not finding suitable work to their satisfaction. Those who are in the employment sector are becoming the objects of exploitation and harassment. Though an increase in the female literacy level and extensions of employment opportunities for women in the non-agricultural sector, have added to the trend in favour of female employment, these two problems continue to exist.

Large Number of Employed Women is Illiterate:

Of every 100 women employed, 52.59% of them are illiterate and 28.56% of them have studied only up to elementary level. Of every 100 women working in the rural areas, 88.11% are illiterate. These illiterate women in the unorganised sector are totally exploited by their employers. Women working in factories, mining industries, building construction process, in dams, bridges and

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road repair or construction work are not only paid less but also made to work in unhealthy surroundings.

Decreasing economic participation of women:

Technological development seems to have a negative effect on employment opportunities of women. Studies conducted between 1975-85 have revealed this fact. Application of new technology in agrarian sector, textiles, mines, jute, pharmaceuticals, small scale industries like coir, handloom, weaving, spinning, cashew, fisheries, tobacco, animal husbandry, fruits and vegetable processing etc. rendered many women jobless. Computerisation has also adversely affected the job prospects of women as clerks, typists and accountants.

Harassment of women at work place:

Women constitute an important labour force in all the countries. During the recent years there are an increasing number of women especially in the Indian context, who are working outside the family to get more income for the family. In fact, “the term working woman ” refers to one who works outside the home for a wage or salary”.’

Nearly 1/3 of our labour force [32%] consists of women. Working women constitute 16.43% of the female population of the country. As per 1991 Census, the number of working women was around 278.35 million, representing a growth rate of 26.12% over the previous decade.

The percentage increase of working women during the last decade was double that of male workers. The main problem with these female workers is that they are harassed in work place in different ways. “Harassment” refers to the basic violation of an individual’s rights. Not only the rights of working women are violated, they are often sexually harassed also.

Economic exploitation:

Women workers are given much work but are paid less wages or salary especially in the unorganised sector. “Equal pay for equal work” remains only a slogan. “Equal Remuneration Act, 1976 has proved to be a dead letter in this regard. There are also sufficient instances of such exploitation even in the organised sector.

Threat of removal from job:

In the Indian context, majority of women go for work not for fun but out of necessity. Some are compelled to work because of poor family conditions. Employers who are aware of the helplessness of these female employees exploit them in all the possible ways. They do not tolerate any type of opposition or protest from the side of the female workers. Due to the fear of losing the job, women bear all the exploitations, and do not protest.

Women are given more work:

Women normally work with devotion, seriousness and sincerity. This commitment to work is proving to be a big disadvantage for them. Hence, every time they are given more and more work which is not duly rewarded.



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Discrimination in giving opportunities:

In spite of the hard work which women do, many employers consider these working women as “non-serious workers”. They are also regarded as “non- permanent employees” especially in the case of unmarried female workers. They are discriminated with regard to recruitment, promotion, increment, training, over-time allowance, facilities at work place, and so on. Male workers are given preference in these matters.

Sexual harassment of women:

Sexual harassment of women at workplace refers to giving indecent treatment to women workers by violating all the norms of modesty. Many female workers have complained of such harassments during the recent years.

This harassment by men includes – continuous staring at women, making women the targets of lewd remarks, dirty jokes, repeated invitation to meals and outings, offers to drop them home, making unwanted comments about dressings, making “accidental” touches and dashes, making them stay back in the work spot even after the working hours, male bosses calling smart female employees to their chambers and making unwanted “advances” towards them, molesting women workers and so on.

Government of India enacted a law Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 mandates every organization to have a Internal Complaints committee to redress sexual harassment complaints.

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