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## **Violence against Women (VAW): Violation of fundamental Human Rights**

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### **Abstract:**

Violence against women (VAW) affects the lives of millions of women worldwide. On account of gender based violence, fundamental human rights have been systematically denied to half of the world's population for centuries, irrespective of the type of political and legal systems under which they live. They face discrimination much before their birth and throughout their life. The leading judgments of the Supreme Court in a number of cases have generated the hopes of new dawn. These cases are notable because they herald a movement from effective implementation of laws regulating abortion, to passing of stricter laws for sex offences, to ban/ restricted sale of acid, to prevent acid attacks, to compensatory jurisprudence for rape victims etc. These judgements are path breaking in the direction of women human rights.

Key words:Empowerment and gender equality,women human rights, discrimination,stereotype, female feticide,domestic violence, rape.

### **1. Introduction**

Violence against women (VAW) affects the lives of millions of women worldwide, transcending boundaries of nationality, culture, religion, socio-economic status and affecting the capacity of women to freely and fully participate in the development process. On account of gender based violence, fundamental human rights have been systematically denied to half of the world's population for centuries, irrespective of the type of political and legal systems under which they lived (United Nations: 2000/66). The incidents of violence against women in the South Asian region is highest in the world (Coomaraswamy: 2005/46). VAW is prevalent and pervasive both in women's private and the public spheres. According to Barbara Robert 'violence begins early and at home.' For too many females, violence begins even before birth and ends with femicide—the murder of women(Robert/Nicarthy: 2002/). Femicide is a word



coined in the 1980s to describe murders of women simply because they are women, or because they dare to define for themselves what it means to be a woman(Ibid. 164).

Violence against women, throughout their life, comes to be ‘socially sanctified’. The problem is marked in silence and finds legitimacy in entrenched cultural norms. Dr. PoornimaAdwani, former Chairman of NCW commented that in India, there is a ‘*culture of silence*’ as far as violence against women is concerned. Traditional norms teach them to accept, tolerate and even rationalize violence (NCW; UNFPA: 2004). Feminist Carole J. Sheffield has stated that “the right of men to control the female body is a cornerstone of patriarchy” (Sheffield: 1995/1).

## II. Various manifestations of violence

The violence which women face, could be domestic violence in its various manifestations including harmful cultural or traditional practices such as dowry deaths or female genital

### Box: Violence against women throughout the Life

Phase	Type of violence
Pre-birth	Sex-selective abortion; effects of battering committed against the mother during pregnancy on birth outcomes; * effects on the child of positive person.
Infancy	Female infanticide; physical, sexual and psychological abuse
Girlhood	Child marriage; female genital mutilation; physical, sexual and psychological abuse; incest; child prostitution and pornography; discrimination in family and education; * trafficking; HIV/AIDS
Adolescence	Dating and courtship violence (e.g. acid throwing and data rape); economically coerced sex (e.g. school girls having sex with “sugar daddies” in return for school fees); incest; sexual abuse in the workplace; rape; sexual harassment; forced prostitution and pornography; trafficking in women; partner violence; marital rape; dowry abuse and murders...; HIV/AIDS
Elderly	Forced “suicide” or homicide of widows for economic reasons; sexual, physical and psychological abuse, branding as witches



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mutilation, female infanticide and female feticide, ‘honour’killings, denial or neglect of health care, sexual abuse, physical violence,debt bondage or trafficking and women and girls being infected with HIV/AIDS or STD in the course of sexual abuse. In the public domain, kidnapping, rape, sexual harassment at workplace or anywhere else, trafficking including sale of women and girls in sexual slavery or hard labour are some forms of violence that result in denial to women of basic human rights—the right to life with dignity, the right to equality and non-discrimination, the right to health care and protection of their reproductive rights.

### **III. International Milestones**

Gender based violence is recognized today as a major issue on the inter-national human rights agenda. *The Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW)* is the main foundation of rights of women which condemned discrimination against women. The decade of 1980s highlighted violence against women issues and women

Source: UNIFEM: 2005/27

rights as human rights culminating in the *Vienna Declaration on the Elimination of Violence against Women (1993)* specifically condemned gender based violence and all forms of sexual harassment and exploitation. The declaration offered first official definition of violence against women. The Article 1 of the Declaration provides as follows:

Any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, assertion or arbitrary deprivation of liberty, whether occurring in public or private life.

The *International Conference on Population and Development, 1994 (ICPD)*, Cairo, stressed the need for all countries to take appropriate measures to eliminate all forms of abuse, exploitation, harassment and violence against women, adolescents and children. *The Beijing Platform of Action, 1995(BPA)* described violence against women as nullifying women’s human rights and fundamental freedoms and as an obstacle to the achievement of equality,



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development and peace. The *UN Millennium Project* affirms that “freedom from violence, especially for girls and women” is a core right and essential to the ability to lead a productive life.” Gender- based violence directly jeopardizes the achievements of the MDGs related to gender equality and the empowerment of women.

Post Beijing scenario has contributed to a policy environment in which the State actively acknowledged violence against women as an impediment to development goals and adopted the strategies that attack the structural roots of violence by changing the conditions that make women vulnerable to violence. Many countries began providing *integrated services* to address gender-based violence. Providing access to legal literacy to health and education and raising poverty levels are some of these.

#### IV. Various Legislations in India

In tune with various provisions of the Indian constitution, the State has enacted many women specific and women related legislations to protect women against social discrimination, violence and atrocities and also to prevent social evils like child marriage, dowry, rape etc. These legislations include:

1. **The Child Marriage Restraint Act, 1976** as amended raises the age of marriage of a girl to 18 years from 15 years and that of a boy to 21 years and makes the offence under the Act cognizable.
2. **The Dowry Prohibition Act, 1961**, as amended in 1986 makes woman’s subjection to cruelty a cognizable offence.
3. **The Immoral Traffic (Prevention) Act of 1956** as amended in 1986 makes sexual exploitation of male or female, a cognizable offence.
4. **The Indecent Representation of Women (Prohibition) Act, 1986** has also been passed to protect the dignity of women and prevent violence against them.



5. **The Prevention of Women From Domestic violence Act, 2005** -to provide protection to women against domestic violence of any kind.It is a landmark legislation, which provides women protection from all forms of harassment, violence and abuse, physical, sexual, verbal, emotional and economic-within the home.
6. **The Sexual Harassment of Women At Workplace (Prevention Prohibition and Redressal) Act, 2013**
7. **The Protection of Children from Sexual Offences. Act, 2012** is to protect children from offences of sexual assault.
8. The main provisions of **Indian Penal Code (IPC)** dealing with women's specific crimes are :
  - ❑ rape (Sec. 376 IPC),
  - ❑ kidnapping and abduction for different purposes such as prostitution (Sections 363-373 IPC),
  - ❑ dowry death (Sections 302, 304-B IPC),
  - ❑ dowry harassment (Sec. 498A IPC),
  - ❑ importation of girls (up to 21 years of age) (Sec. 366B IPC),
  - ❑ molestation (Sec. 354 IPC),
  - ❑ sexual harassment (Sec. 509 IPC)
  - ❑ Simple and grievous hurt, wife beating (Sections 323, 325 IPC).

#### **V. National Crime Record Bureau (NCRB): Report 2019: Major Findings**

Notwithstanding the enactment of these laws, the factual position of crimes against women is rather distressing. Major Findings of NCRB Report 2019 are as follows:

- A total of 4,05,861 cases of crime against women were registered during 2019, showing an increase of 7.3% over 2018 (3,78,236 cases).
- Majority of cases under crime against women under IPC were registered under 'Cruelty by Husband or His Relatives' (30.9%) followed by
- 'Assault on Women with Intent to Outrage her Modesty' (21.8%),
- Kidnapping & Abduction of Women' (17.9%) and 'Rape' (7.9%).

The crime rate registered per lakh women population is 62.4 in 2019 in comparison with 58.8 in 2018 (NCRB:2019).

#### **VI. Female Foeticide: States with highest and lowest sex ratio at birth**



The overwhelming social discrimination and violence against women affect their human rights from their birth or even before birth. Female fetuses are aborted as unwanted under social and family pressure. Katarina Tomasevski has stated that a girl child is considered a liability, not an asset, to the family into which she is to be born... it results in discrimination against female children, ultimately infanticide (Tomasevski: 2002). Sen and D'reze have termed the low sex ratio in India as a 'missing women' phenomena. The number of missing women in India is estimated to be between 35 and 37 million (Sen et al: 1999). Declining number of females compare to males has raised special concern.

**Table shows the sex –ratio from 2011 to 2019:**

Current Sex Ratio in India	947 females for every 1,000 males in 2019
Sex Ratio in India (Yearly)	947 (2019), 946 (2018), 945 (2017), 944 (2016), 943(2015),942 (2014), 941 (2013), 940 (2012), 940(2011)

Martha C Nussbaum in her “*Women and Human Development*” pointed out that the birth of a girl child is rarely greeted with joy, and proverb impresses on early that her life will be one of hardship. “A girl child born”, goes one proverb, “to marriage or death she is already gone,” she is a “treasure possessed by strangers” and “travels on another’s boat” (Nussbaum: 2000). While actual killing of female children may be somewhat uncommon, neglect of the girl child who is often looked upon by the parents rather as a liability than asset, is more ubiquitous. It takes so many forms- denials of adequate nutrition and access to health facilities. All this could lead to deaths of the female children before they reach the school- going age. (Agrawal et. Al: 2004).

**i). Measures to overcome the menace**

*The Medical Termination of Pregnancy Act,1971* thought to be landmark in social legislation, has failed to translate into reality for the majority of Indian women, particularly in the rural areas. The number of illegal abortions in the country has not been checked. *The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act,2002* (referred to as *PNDT Act*), 1994 amended and renamed in 2002. This Act bans the practice of using ultrasound



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scans to identify the sex of a foetus. It also makes mandatory the registration of ultrasound units. It makes the sex discrimination test a cognizable offence. The Centre for Enquiry into Health and Allied Themes (CEHAT) filed a PIL *CEHAT v. Union of India (2001)*. The Supreme Court reprimanded authorities for their failure to reduce the rate of female foeticide. The court observed that it was the duty of the Union Government as well as the State Governments/UTs to implement its provisions as early as possible by creating public awareness about the illegality of sex determination test. (*CEHAT v. Union of India (2003)*).

## **VII. Domestic Violence Against Women: How Safe They are in Their Homes**

Women suffer violence in the home primarily due to their unequal status in society. Women are often caught in a vicious circle of economic dependence, ignorance of their rights, lack of confidence in themselves and social pressures. Fear of harming husband's career and apprehension about the attitude of the society and police also prevent women from reporting crimes of domestic violence. Domestic (UN: 2000/69). Largely viewed as a family matter, neighbours, friends and even the relations of the battered women rarely interfere in situations of domestic violence, because a wife is regarded as her husband's property. Justice A. S. Anand, former Chief Justice of India has made observations about domestic violence as follows:

Domestic Violence does not only mean harassment or cruelty at the hands of the husband or the in-laws. It includes offences like incest, mutilation of private organs, rape, abortion of female foetus, molestation, unnatural sex, assault or battery and the like. The Penal Code does not deal with such acts. A clear legislation is the need of the hour (Anand A.S. J.:2000).

### **i). The enactment of landmark legislation**

*The Protection of Women From Domestic Violence Act, 2005* has been enacted by Parliament to provide "more effective protection" to women against domestic violence of any kind, the law will fill a void in the existing legal framework. It includes both actual abuse and violence and the threat of use of violence (Sec. 3). It protects women from dowry related violence also. It applies to women living together in a shared household related by consanguinity, marriage,



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adoption or as a member of joint family (Sec.2 (f)). Protection officers (POs), NGO's, running shelters and charities for women and shelter homes can be notified by the Government.

**Box: Various reliefs available to aggrieved women under Ss. 17-22 of the Act, 2005**

<b>Sec.17: Right to reside in a shared household</b>	Every woman has right to reside in the shared household and shall not be evicted or excluded from it.
<b>Sec.18 Protection order</b>	Magistrate may pass a protection order to prohibit the respondent from committing any act of domestic violence, entering the place of employment of the victim, alienating any assets, operating joint bank accounts.
<b>Sec-19 Residence order</b>	Magistrate can pass a residence order restraining the respondent from dispossessing the victim from shared household and may direct the perpetrator to look for alternative accommodation, or pay her money to rent a separate house and direct return of streedhan and other property of the complainant.
<b>Sec.20 Monetary Relief</b>	Monetary relief includes loss of earnings of the complainant, medical expenses and loss caused due to destruction of property. Magistrate may direct the abuser to pay monetary relief to the victim.

*ii). Support services for victims of VAW: Zero Violence Zones*

There have been numerous Governmental and non-Governmental interventions to effectively deal with the problem of VAW. Programme interventions by Government include short-term and long-term services. Department of Women and Child Development has various support services for victims of VAW, such as counselling, shelters, hotlines and special cells. Legal aid



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is made available to women through Government centres. According to India Country Report 2005, an important initiative is the development of a community-based strategy of neighbourhood committees to create 'zero violence zones.' This new approach to control violence concentrates on activating Mahila Committees (neighbourhood groups) to tackle domestic violence. NariAdalat and MahilaPanch have emerged in select districts of Uttar Pradesh and Gujarat. They function outside the legal system and use community pressure and informal social control to punish perpetrators of violence and restore women's rights within the family (DWCD:2005). Women police cells in police stations and all women police stations have been established to deal with acts of violence in various states and UnionTerritories. A number of women's organizations are also involved as volunteer counsellor at police stations to help citizens and police force. They are also associated in facilitating the registration and investigation of cases of crimes against women.

*iii). In United States of America in the 1970's domestic violence against women was a hidden and silent reality (Harlan: 1998). The law did not adequately address the problem of violence against women in their homes. During the 1980's and 1990's a few cases of abused women gained media attention and helped to inform the public about the menace. In 1987, Hedda Nussbaum abused wife of Joel Steinberg made headlines when her daughter was beaten to death by Steinberg. In 1994, Necole Brown Simpson was murdered, she had been battered for years by her husband football star D.J.Simpson. News focused national attention on the continuing reality of domestic violence. Feminists sought a federal law to protect women from violence (Ibid.117-118). In 1973 first shelter home for battered women 'Women's House' was opened in St. Paul Minnesota. Traditional protection was providing 'shelter' or support services to the victims. Shelter includes hotline, support groups, counselling, advocacy, financial and social services, child care, housing access, job referral, food and clothing, transportation, and case monitoring. Civil Protection orders were issued by the Courts in USA to the respondent not to further abuse the victim.*



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In 1994, *Violence against Women Act, 1994 (VAWA)* was passed by the federal Government for combating domestic violence. 10/ VAWA was path breaking in establishing a new right: “All persons within the United States shall have the right to be free from crimes of violence motivated by gender.” VAWA was the first major attempt to deal with domestic violence and sexual assault. The Act provides for compensatory including punitive damages.

### **VIII. Rape: Destruction of the Whole Personality of the Victim**

Crime against women in general and rape in particular are on the increase. It is an irony that while we are celebrating women’s rights in all spheres, we show little or no concern for her honour. It is sad reflection on the attitude of indifference of the society towards the violation of human dignity of the victims of sex crimes. Justice A.S.Anand, Chairman of National Human Rights Commission, warned that sexual violence apart from being a dehumanizing act is an unlawful intrusion of the right to privacy and sanctity of a female. It is a serious blow to her supreme honour and offends her self-esteem and dignity- it degrades and humiliates the victim (Anand: 2003).

#### **i). India: Mathura Rape Case: Demand for gender just legal reforms**

In India, the 1980s witnessed the growth of women’s movement, initially organized around the issue of violence against women. The movement focused on demanding legal reforms through public mobilization and protests. The Mathura rape case became rallying point for women's groups to demand gender just legal reforms. In *Tukaram v. State of Maharashtra (1979)* case, the Supreme Court acquitted two policemen who were alleged to have raped Mathura in the Police Station. The conviction, which was recorded by the High Court, was set aside by the Supreme Court. The Court observed that there were no mark of injury on the body of the victim and the court presumed consent on the ground that woman had failed to resist actively. It was also observed by the Court that Mathura had not raised an alarm and that she was a woman of questionable character. Following an open letter to the Chief Justice of India from four law professors, public protests, street demonstrations and petitions were organized in different part



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of the country to emphasize the need to amend laws on rape. Subsequently, Criminal Law (Amendment) Act, 1983 was enacted to make the law of rape more stringent.

In 2013, the Criminal Law (Amendment) Act, 2013 popularly referred to as the Anti-rape Act was passed in the aftermath of the Nirbhaya case (2012) wherein a female student was gang-raped in December 2012. The Act amended several provisions of the Indian Penal Code, Indian Evidence Act, and the Criminal Procedure Code. The Act was also amended to make existing offenses more stringent. Notably, the definition of rape in Section 375 was broadened to include new offences such as stalking, acid attacks, and voyeurism. The minimum sentence was changed from seven years to ten years considering the increase in the number of rape cases. Section 370 was replaced with Section 370 and 370A.

#### **ii). Leading judgments of the Supreme Court: Hope of new dawn**

There have been many remarkable judgments in cases of rape victims where courts have displayed more sensitivity and understanding towards their poor plight. The rule of corroboration has undergone a change through statutory amendments and the decisions in *Gurmeet Singh* (1996), *Ranjeet Hazarika* (1998) and in a number of subsequent cases of the Supreme Court. Now the rape victim is not accomplice to the crime and corroboration is not an imperative component of judicial credence in every case of rape. The Court has observed in famous case of *Madhukar Mardikar* (1990) that even a prostitute has a right to privacy and that past history of woman is irrelevant in deciding the rape case. The Supreme Court has, on a number of occasions, clearly stated that the antecedents of the victim are not relevant and that the courts are expected to show greater responsibility while trying an accused on charges of rape.

In *Gurmeet Singh* (1996) the Supreme Court has opined that courts are expected to use self-restraint in recording the victim as a girl of loose character. Where the victim of crime is discouraged, criminals get encouraged and in turn, crime gets rewarded. In *Sakshi* (2004) a PIL was filed by Sakshi which is an organization to provide legal, medical, residential, psychological or any other help, assistance or charitable support for women, in particular those

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who are victims of any kind of sexual abuse or harassment, the Supreme Court permitted the recording of evidence by way of video conferencing in case of rape.

### iii). Compensatory Jurisprudence:

The Supreme Court laid down the foundation of Compensatory Jurisprudence by awarding compensation to rape victims in a number of cases, observing that Art. 21 guarantee a rape victim, the right to live with dignity. In *DDWWF* (1995), a PIL espousing the pathetic plight of 7 Bihari ladies who were raped in a moving train, the apex court, highlighting the ordeals of victims of rape and defects in the present criminal law system vis-à-vis victims of rape, outlined a set of broad parameters to assist them. Relying heavily upon Art.38 (1) of the Constitution, which directs the State, inter alia, to strive to promote social order assuring socio-economic-political justice, and drawing inspiration from the **Criminal Justice Act, 1991** of the United Kingdom, dealing with an institutionalised payment of compensation to victims of crime including rape, stressed the need to set up a *Criminal Injuries Compensation Board (CICB)* to compensate victims of rape. In *Chandrima Das* (2000) the Court dealt with the question of universality of human rights. The case related to compensation payable to a foreign tourist who was raped at YatriNivas. The defendants contented that she was not entitled to any compensation since she was not an Indian national. Over-ruling the argument, the Court adjudged that the fundamental rights enshrined in the Constitution were in consonance with the Universal Declaration of Human Rights, 1948. The fundamental human rights are guarantees to everyone – whether an Indian citizen or a tourist visiting for just a short while and court awarded compensation of 10 lakhs to the victim.

### iv). Condemnation of the Stereotypical views about rape survivors:

The apex court has condemned the dominant perceptions about "good" and "bad" women in rape cases in *State (Govt. of NCT of Delhi) v. Pankaj Chaudhary (2018)*, the appellant police officers appealed the high court decision of acquitting the accused for gang rape where the accused defended themselves by asserting that Prosecutrix was of bad character and she was indulging in prostitution and they have lodged complaint against her and therefore, they have

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been falsely implicated in the rape case. The trial court convicted them for rape but the high court, considering additional evidence, acquitted them. The high court said that the complainant, with other ladies, was arrested and was in the police station regarding a complaint about a quarrel involving sex workers, and alleged rape could not have taken place at the time stated by the complaint. The high court also directed prosecution of the appellant police officers.

The Supreme Court examined the evidence on record and noted that the complainant woman had no motive to falsely implicate the accused. The court thus restored conviction under section 376(2) (g) of the pre-2013 IPC. The directions issued against the police officers were also set aside. The court in categorical terms affirmed:

Even in cases where there is some material to show that the victim was habituated to sexual intercourse, no inference like the victim being a woman of loose moral character is permissible to be drawn from that circumstance alone. A woman of easy virtue also could not be raped by a person for that reason.

In *Nipun Saxena v. Union of India, 2018*, the court discussed in detail section 228A of the IPC (prohibition on the disclosure of identity of the victim of certain offences), section 327(2) of the CrPC (in camera trial in rape cases), various provisions of the POCSO Act viz section 24(5) (protecting the identity of child victim), etc. and issued the following directions for the protection of the identity of victims of rape and sexual offences:

- i. No person can print or publish in print, electronic, social media, etc. the name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large.
- ii. In cases where the victim is dead or of unsound mind the name of the victim or her identity should not be disclosed even under the authorization of the next of the kin, unless circumstances justify the disclosure.
- iii. FIRS relating to offences under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of 39 IPC and offences under POCSO shall not be put in the public domain.
- iv. The police officials should keep all the documents in which the name of the victim is disclosed, as far as possible, in a sealed cover.
- v. All the authorities to which the name of the victim is disclosed by the investigating agency or the court are also duty bound to keep the name and identity of the victim secret.



**v). Trauma and physical pain faced by acid victims:**

The Supreme Court in *Laxmi vs. Union of India, 2014*, expressed its deep concern not only for physical pain and sufferings of acid attack victims but also for lot of trauma they suffer throughout their lives for permanent disfiguration of their body and thus social exclusion. Laxmi, a minor then, an acid attack survivor filed a PIL in 2006, who and her sister, two sisters, dalits from Bihar were attacked by three men in New Delhi as she refused to marry a man named Naeem Khan @ Guddu. She faced a lot of trauma and physical pain due to such an attack on her. Even after so many surgeries she could not get her face back. Attempt to murder was filed against the culprits and got convicted by the court of Delhi.

The Supreme Court directed the government to ban sale of acid and declaring acid as “poison” which would, thereafter, be not available without the authority of the state. The Court issued various guidelines for the betterment of acid attack survivors. The Court directed for the minimum compensation of 3,00,000/- to every acid attack victim in all states and union territories. The data were collected from all over India of acid attack cases. It came out that the number of acid attacks were great in Uttar Pradesh, Madhya Pradesh and Gujarat wherein Delhi being the only Union territory where such heinous crime took place. This led for the amendment in the Code of Criminal Procedure, 1973 in which section 357-A was inserted for the compensation to the victim or their dependents for their rehabilitation. Amendment was also made in Indian Penal Code, 1860 wherein two sections 326-A and 326-B were inserted exclusively dealing with acid attack.

In *Parivartan Kendra v. UOI, 2016*, Parivartan Kendra, a registered NGO also filed a public interest litigation highlighting the poor plight of two sisters alleging that the family has spent more than five lakhs on their treatment while they were only given Rs. 2,42,000/- from the government. It has caused the survivor to be isolated from all sections of the society as their disfigurements cause them immense hardships. No proper medical treatment was given to the victims in the Patna hospital, even the statements of the victims were not recorded by the police.

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It was contended that despite Supreme Court's orders in Laxmi's case, acid is still freely available, and the victims are living without basic care or services.

The petitioner's prayer for a writ of mandamus was allowed observing that Laxmi's case "is a general mandate to the State and Union Territory and enhanced the compensation amount to 13 lakhs for both the victims. The court directed to take strict action against those erring persons who are supplying acid without proper authorization and to implement Laxmi's guidelines in their true spirit.

**To conclude:** The Supreme Court has played a significant role in giving a definitive shape to feminist jurisprudence in India. Analysis of the judicial decisions shows that they have advanced the progress of the laws towards gender justice. The vulnerability of women to violence at every stage of the life-cycle makes VAW a terrible legacy that requires concerted international, regional, national and local level action. Coordination, collaboration, networking, partnership and effective and continuous monitoring are necessary to implement the plans and policies. There is a need to sensitize police authorities and judges and to adopt appropriate education policies, health strategies and community level programmes. As the experts concluded, "rather than the punishment fitting the crime, it is more a matter of the prevention fitting the cause."

*'Save the girl child campaign'* needs to be supported by all agencies within and outside Government to restore the balance of sexes. There is a need to make laws update on the question of compensation to victims of rape through a statutory provision. The police force has to be sensitized on both evidence collection and counselling. This would be the first step to securing the human rights of the rape victim who today is doubly condemned by her physical violation and the emotional trauma inflicted on her by a hostile social environment. Special care and attention should be taken to reduce procedural delay at various stages of investigation and trial. It is the need of the hour that the victim of rape should get cooperation/immense support from her environment, family and society.



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**References :**

Agrawal Rashmi and BVLN Rao 2004, Gender Issues; A Road Map to Empowerment, Delhi; Shipra Publications, p80.

Anand A. S.J. 2000, Inaugural address, in Domestic Violence and Law, Report of colloquium on Justice for Women Empowerment through Law, New Delhi; Butterworths, 2000,p.xxxiii.

Anand A.S.J. 2003, Justice for Women: Concepts and Expressions 2<sup>nd</sup>.ed. Delhi; Universal Law Publishing Co. Pvt. Ltd., p.19.

Coomaraswamy Dr. Radhika: 2005, The Varied Contours of Violence against Women in South Asia, in Report of the Fifth South Asia Ministerial Conference Celebrating Beijing Plus Ten,2005, Islamabad,pp.46,47

DWCD 2005, India Country Report: Platform for Action 10 Years After, New Delhi; Ministry of Human Resource Development, Government of India,p.37

<https://www.indiaonlinepages.com/population/sex-ratio-of-india.html>Harlan Judith 1998, Feminism: World Contemporary Issues, England; ABC-CLIO,p.87See also Mensah Barbara; European Human Rights Case Summaries, Cavandish Publishing Ltd. 2002, p. 849

Manohar Justice Sujata 2003, “Violence Against Women And Administration Of Justice” based on presentation made at the “ Judicial Colloquium for African Judges” held by United Nations, Department of Advancement of women at Anusha, September 9-11, p4.

ManoharSujata J.2001, ‘Human Rights for Women’s Empowerment, Contribution to Dr. Promila Kapoor’s book ‘On Human Rights for Women’s Empowerment (2001) p.18.

National Crime Records Bureau 2019, Crime in India-2019, Report, New Delhi, Ministry of Home Affairs, Government of India, p.

Population Fund) 2004, Violence against Women: Health Sector Perspective: Workshop Report, Oct. 11, 2004, New Delhi. ,pp. 166-167)

Nussbaum Martha C , 2000, Women and Human Development: The Capabilities Approach, New Delhi; Kali, p255.

Robert Barbara (2002) Quoted by NicCarthy Ginny, War Against women, in Nick Treanor ed., The Feminist Movement, NewYork; Thomson Gale, 2002, p.163/164. See alsoBhattacharya

Rinky, ed., 2004, Behind closed doors; Domestic Violence in India, New Delhi, Sage Publications, p.211-212,- (Buzawa Eve S. and Carl G. Buzawa, Domestic Violence; The Criminal Justice Response, 3<sup>rd</sup>ed, London, New Delhi; Sage Publications, 2003 pp.248-249)

Sheffield Carole J. 1995. “Sexual Terrorism”, in JO Freeman ed., Women, A Feminist Perspective, 5<sup>th</sup> ed., Mountain View, Calif;Mayfield Publishing,p.1. See also Smith and



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Deniskeenan, English Law 13<sup>th</sup> ed. (Great Britain; Longman, 2001..

Tomasevski Katarina 2002, Human Rights of Vulnerable Persons and Groups: Women Rights in SymonidesJanusz ed., Human Rights: Concepts and Standards, New Delhi; Rawat Publications, PP.247-48.

United Nations 2000, Women: Challenges to the year 2000, NewYork, p. 24, 66

UN 2001, Women in India; How Free? How Equal? 2001, New Delhi,p.71

UNFPA 2005, State of World Population 2005:The promise of Equality, NewYork,p.65.

UNIFEM 2003, Progress of South Asian Women 2003, Accountability to the world's

UNIFEM 2003, Say No to Gender Based Violence. P.27.

UNIFEM 2003,NeelamHeyzer, Preface, in Not a minute more: Ending Violence against Women, NewYork,p.6.

UNIFEM 2005, Progress of South Asian Women 2005: A Series for The Fifth South Asia Regional Ministerial Conference Celebrating Beijing Plus Ten, New Delhi, p.27

Cases:

CEHAT v Union Of India, AIR 2001 SC 2007.

CEHAT v Union Of India, 2003.( 7) SCALE 345.

Delhi Domestic Working Women's Forum v. Union of India(1995) 1 SCC 14.

Laxmi vs. Union of India(2014)SCC 4 427.

Mukesh v. State (NCT of Delhi) (2017) 6 SCC 1.

NipunSaxena v. Union of India, 2018(15) SCALE 349.

Parivartan Kendra v. UOI (2016) 3 SCC 571.

RanjitHazarika v. State of Assam (1998) 8 SCC 635).

Sakshi v. Union of India AIR 2004 SC 3566.

State (Govt. of NCT of Delhi) v. Pankaj Chaudhary 2018 (14) SCALE 423; para 5.

State of Karnataka v. K. Gopalakrishna JT 2005 (2) SC 389.

State of Maharashtra v. Chandra Prakash Kewal Chand Jain AIR 1990 SC 658.

State of Maharashtra v. MadhukaNarainMardikar( 1990) 4 SCC 169.

State of Punjab v. Gurmit Singh, (1996) 2 SCC 384.

Tukaram v. State of Maharashtra , AIR 1979 SC 185.