
WOMEN EXPLOITATION IN EVERY PHASE OF HER LIFE AND INEFFECTIVENESS OF LAWS IN INDIA

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ABSTRACT

In the male dominating society, a woman is getting exploited everywhere in the world. In India women have been exploited from many years in almost all the societies, regions, cultures and religious communities. A woman is discriminated in every stage of her life starting from the womb and continuing till death. She faces different forms of harassment like rape, kidnapping and abduction, dowry-related crimes, molestation, sexual harassment, eve-teasing etc. Exploitation to women is clearly visible in the history of ancient India which is still getting practiced without any positive change. Women in India were enjoying a quite comfortable position in the Vedic Era. However, the condition got declined gradually because of the long run supremacy of male over female. They became restricted to live their normal lifestyle like healthy diet, wishful dress, marriage, etc. It was huge effort of male dominated country to make women limited and obedient. They started being enslaved and prostituted. Women in India started being used as commodities for the men to perform different functions of daily routine. With the increasing level of exploitation women started losing their educational, social, political, economic and cultural opportunities in the society.

The research paper deeply explains the different types of exploitation faced by women, the Indian Panel code Laws for Women and How the Laws become ineffective to control the wide spread victimization of women. The research paper also tries to furnish some statistical data on crimes against women in India and suggestions for women wellbeing.

Key words- Exploitation, Discrimination, Harassment, Enslaved.

Introduction

“A society that is unable to respect, protect and nurture its women and children loses its moral moorings and runs adrift.” (The Hindu- Opinion Sept, 15 2012)

INDIA, the most popular democratic developing country in world map, the 7th largest country, the 2nd most populous country with 1.34 billion population. This huge population consists of 693 millions Males and 649 millions Females. The country having a poor sex ratio of 940 females per 1000 males according to the census 2011. As we already have very low women population despite this approx. 95% of women are exploited in some way or another way in the entire country. Women in ancient India were held in high respect. But with the course of time, the status of woman got lowered. Time has helplessly watched women suffering in the form of

discrimination, oppression, violence, exploitation, degradation, aggression, humiliation. In India women found herself totally suppressed and subjugated in a patriarchal society.

Women across the country, struggle to live life with dignity and they are facing several problems in every sphere of life whether it is family, employment, health care or property rights etc.. They are victims of crime directed specifically at them, rape, abduction, trafficking, molestation, eve-teasing, dowry-related crimes, sexual harassment, various kind of exploitation in private sphere of home, public spaces and at workplace etc. It is realized that the long run supremacy of male over female in all respect in the patriarchal society in India is highly responsible for arresting the empowerment of women. The crimes against women in India are growing at a rampant speed. Women, irrespective of their class, caste and educational status, are not safe. This rapid increase in crime against women has placed India as the world's fourth most dangerous place for women, as per a survey conducted by Thomson Reuters' Trustlaw Women, a hub of legal information and legal support for women's rights.

The attention required is still not being paid to the issues that concern this section of population.

This paper depicts how women are being exploited in their whole life and how their needs are being repressed in our primarily orthodox society. It also describes the Indian Penal Code Laws for Women and various type of crimes against women with the latest statistical data published by National Crime Report Bureau in a report entitled with Crimes in India , handbook,2014. At the end the paper trying to explain reasons working behind the law ineffectiveness and suggestions for how crime against woman can reduce to its lower level? So that women can live freely, walk freely and talk freely.

Exploitation of Women in India

In India a woman face extreme discrimination and violence and thus occupies low status in Society. Discriminatory mind-set towards women has existed since many centuries and has affected the lives of women. The worst condition of women in India can observe by the fact that **crimes against women have more than doubled over the past ten years**, according to latest data released by the National Crime Records Bureau (the government agency that keeps track of the country's crime rate). **26 crimes against women are reported every hour, or one complaint every two minutes, 848 women who are either harassed, raped or killed after abduction every single day.** Some are sold off to traffickers in India.

Incidences like sexual abuse by near relatives, co-habitation with near or dear friends and subsequent decline of marriages and issues relating to illegal pregnancy etc. are the real fact, the information of which remains mostly in darkness. Women exploitation in the form of physical and mental torture on wives by husband is also common, mostly where women are simply a house wife and not associated with any employment. As a result, they are compelled to keep their head down in a speechless manner tolerating the cruelty of their husband helplessly. This ultimately makes them mentally disordered for which they often take the shelter of suicide or other means of malpractices that result very disgrace social, moral, ethical, and after all economic support to them **(Dr. Khokan Kumar Bag, Piyal Basu Roy, March 2012).**

By passage of time many Laws and order have framed by Indian Govt. to control this widespread harassment of women but still men are forward in status as compared to women and Indian society is male dominated where female are being exploited spatially.

Women are vulnerable and victimized in the name of honor. Culturally honor is always attached with the female member of the family. If a girl is raped or gang raped, it is believed that she has brought shame and dishonor to the family/community. Thus women's freedom is oppressed by patriarchal orthodox ideologies.

Women Exploitation throughout the Life Cycle

Women continue to be subjected to harass over the entire life cycle irrespective of their class, caste and educational status. They have been the victims of exploitations like physically, socially, morally, mentally and economically since long time in their life. Moreover women are suppressed and exploited from the womb stage. Following are different stages of women exploitation:-

- 1.) **Pre -birth stage-** In today's modern era, people still thought that baby girl would be a burden of a family in future, they are not economically and socially productive as like as boy. This conventional thinking comes up with a terrifying thing i.e. Female Feticide (Sex-selective abortion).
- 2.) **Infancy stage-** In India, Female Infanticide and gender discriminations are very common at many places mostly in villages and tribe areas. The girl- child gets deprived from the better facilities like, health care and nutrition. Consequently from the initial stages of development, they remain weak and isolated. This is because of the same reason as stated earlier.
- 3.) **Girlhood stage -** At this stage a she experienced massive gender discrimination in part of Health, Nutrition & Food, other social benefits and Education too. Due to constant ignorance, women are victimized in the form of physical, sexual and psychological abuse, female genital mutilation and trafficking for lucrative business spread all over the world both for labor and sex.
- 4.) **Adolescent stage-** This is a stage when they become matured, can understand the social and economic bondage. At this stage she undergoes from a pitiable form of violence or exploitation in the form of early marriage, eve-teasing, Dating and courtship violence (e.g. acid throwing and date rape); economically coerced sex, rape, forced prostitution, trafficking, , crime committed against women etc. She faces many kinds of boundations like on dress code, use of mobiles phones, restricted movements etc.
- 5.) **Reproductive stage-** At reproductive age she bears the pain of forced marriage by her own family just because of the sake of their honor. After getting married they have to face domestic violence, marital rape; dowry abuse and murders; partner homicide;

forced pregnancy, sexual , psychological , emotional and physical tortured by intimate partner and non-partners. Consequently, sexual abuse in the workplace and rape is very common as read out in common newspapers in all parts of the country.

6.) Elderly stage- At the time of elderly, she becomes helpless due to absence of workability or sexual beauty. Consequently, they are again ignored and exploited. Forced "suicide" or homicide of widows for economic reasons; sexual, physical and psychological abuse are commonly faced by women in this age. In year 2014 total 3,734 cases reported for this.

Thus, the history of women life is a garland of stigma or misery. There is no stage at which she gets honor due to their traditional oppressed life lead without protest. *Basu Roy, March 2012*

Different forms of Women Exploitation and abuse in Present Indian Society

Exploitation of women is various forms and different natures. Most of the time she gets exploited by her family members and intimate partner, which can't be escapable. Some major form of women harassment and violence are as followed-

A) Exploitation by family members

- ⇒ Female Feticide and infanticide
- ⇒ Early marriages- about 240 million women were married before 18 years according to United Nations Children's Fund (Unicef) report. India ranked 3rd in world in child marriages.
- ⇒ Honor killings- more than 1,000 young people in India have been done to death every year owing to 'Honor Killings'
- ⇒ Forced marriages
- ⇒ Differential access to food and medicine care
- ⇒ Psychological abuse by family members
- ⇒ Physical violence by family members (bodily harm, discomfort and/or injury. E.g slaps, kicks, restrains, chokes, restricts food)
- ⇒ Coerced sex/ Rape/ Sexual harassment (including child sexual abuse) by family members

B) Exploitation by intimate partner and his family

(Total cases reported in 2014 = 1,18,866)

- ⇒ Domestic violence (426 cases reported in 2014) - Wife beating is the most prevalent form of violence against women in the Indian society.
- ⇒ Dowry death (8,445 cases in 2014) - one woman dies every hour due to dowry related reasons on an average in the country. National Crime Records Bureau (NCRB) figures state that a total of 24,771 dowry deaths have been reported in the country in past three years.
- ⇒ Marital rape- forced sexual activities
- ⇒ Forced pregnancy

- ⇒ Improper caring in pregnancy – deprived her from healthy food, taking rest, healthy environment etc.
- ⇒ Sex selective abortion
- ⇒ Culpable homicide
- ⇒ Physical violence - (bodily harm, discomfort or injury. E.g. slaps, kicks, restrains, chokes, restricts food)
- ⇒ Sexual violence - any unwelcome or forced sexual activities when she is sick, after childbirth or surgery, refuses to allow or forces her to use contraception, treats her as a sex object, forces her to have sex with others.
- ⇒ Psychological and emotional torture - any act that provokes fear, diminishes the individual's dignity and/or intentionally inflicts psychological trauma on another person. E.g. yelling, intimidation, silence, playing on emotions, coming home drunk or stoned, , refuses to provide support or help out with the baby, use of negative comments that are unwelcome, embarrassing, offensive, threatening to a woman. E.g. false accusations, lying, saying one thing and meaning another
- ⇒ Lack of good nutrition and proper medication facilities
- ⇒ Restricted her movements –like controls what she does, whom she sees and talks to, fails to pass on messages, treats her like a servant, makes a "scene" in public.

C.) Exploitation by others

- ⇒ Rape (36,735 cases in 2014)
- ⇒ Molestation and Eve-teasing
- ⇒ kidnapping & abduction (6,461 cases reported in 2014)- Out of 57,311 cases of kidnapping & abduction, maximum number of cases of kidnapping & abduction of women were reported for marriage purposes (30,874 cases)
- ⇒ Insult to the modesty of women (12,589 cases)
- ⇒ Dating and courtship violence (e.g. acid throwing and date rape)
- ⇒ Forced prostitution
- ⇒ Trafficking for sex (2070 cases reported in 2014)
- ⇒ Sexual harassment at workplace- giving indecent treatment to women workers by violating all the norms of modesty, continuous staring at women, making women the targets of lewd remarks, dirty jokes, repeated invitation to meals and outings, making unwanted comments about dressings, making “accidental” touches and dashes, making them stay back in the work spot even after the working hours.
- ⇒ Abuse of single woman/ widow /elder
- ⇒ Sexual harassment by media

Therefore, it is a fact that, each and every part of the country of India is being endangered by gender bias significantly which needs immediate careful handling for the sake of human right, otherwise, it is clear that this wound will be acute and the resultant effects as experienced everywhere from rural to urban will damage the synthesis between elements of society (**Dr. Khokan Kumar Bag, Piyal Basu Roy, March 2012.**)

Laws for crime against women in India

Although women may be victims of any of the general crimes such as 'murder', 'robbery', 'cheating', etc. only the crimes which are directed specifically against women are characterized as 'crimes against women'. Various new legislations have been brought and amendments have been made in existing laws with a view to handle these crimes effectively. These are broadly classified under two categories.

(1) The crimes under the Indian Penal Code (IPC)

1. Rape (Sec. 376 IPC)
2. Attempt to commit rape (Sec 376/511 IPC)*
3. Kidnapping & abduction of women (Section 363,364,364A, 366 IPC)
4. Dowry deaths (Section 304B IPC)
5. Assault on woman with intent to outrage her modesty (Sec. 354 IPC)
6. Insult to the modesty of women (Sec. 509 IPC)
7. Cruelty by husband or his relatives, (Sec. 498A IPC)
8. Importation of girl from foreign country (up to 21 years of age) (Sec. 366 B IPC)
9. Abetment of suicide of women (Sec. 306 IPC)*

(2) The crimes under the Special & Local Laws (SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. The gender specific laws for which crime statistics are recorded throughout the country are –

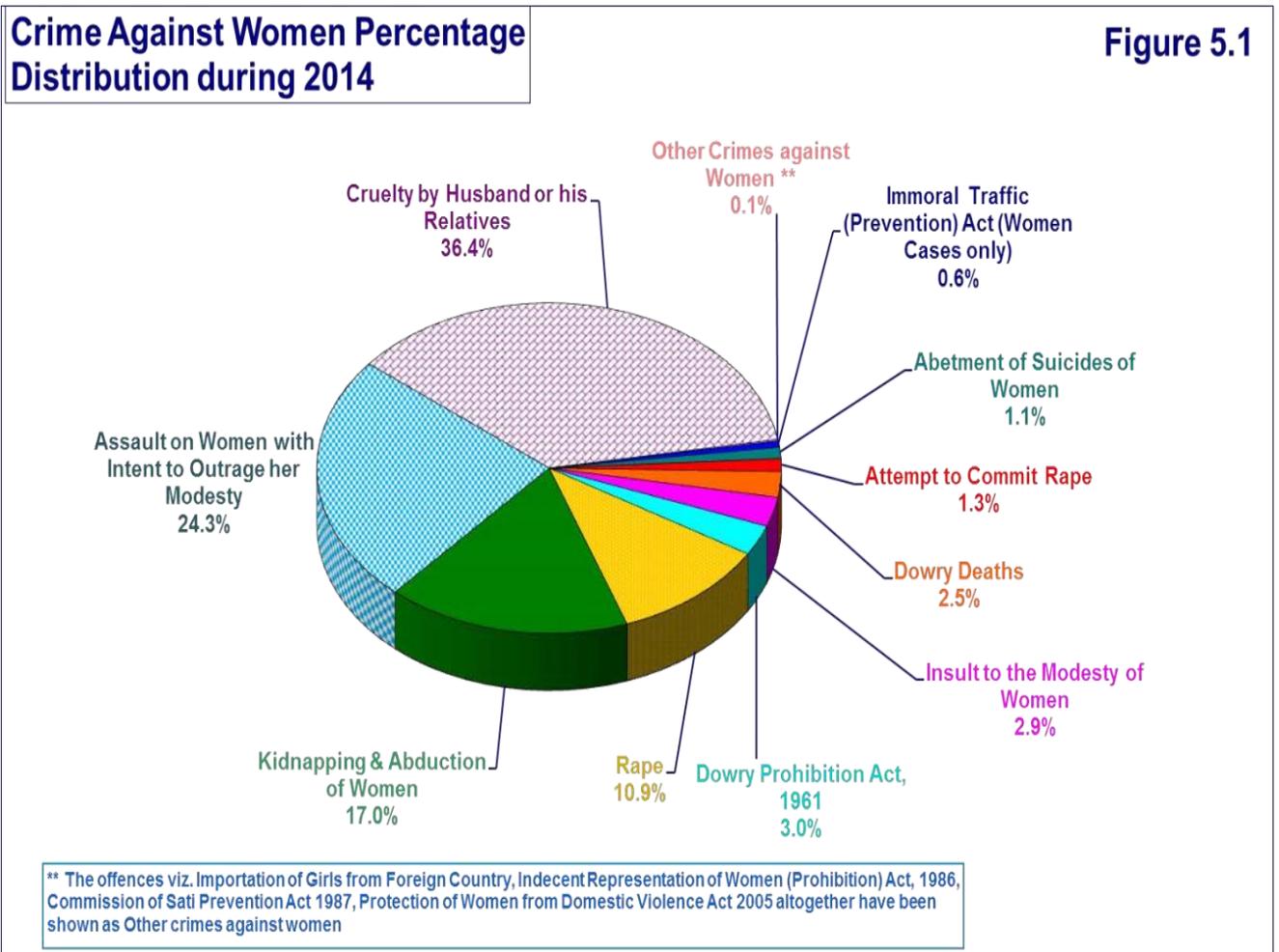
- (i) The Dowry Prohibition Act, 1961
- (ii) The Indecent Representation of Women (Prohibition) Act, 1986
- (iii) The Commission of Sati Prevention Act, 1987
- (iv) The Protection of women from domestic Violence Act, 2005*
- (v) The Immoral Traffic (Prevention) Act, 1956#

'#' women related crimes only.

'*' collected for the first time in 2014.

Reported Incidents of crime against women during 2014 (Incidence 3,37,922)

A total of 3,37,922 cases of crime against women (both under various sections of IPC and SLL) were reported in the country during the year 2014 as compared to 3,09,546 in the year 2013, thus showing an increase of 9.2% during the year 2014.



Source: National crime records bureau

As per the data collected from crime report bureau, as shown in the figure majority of the crimes against women are done by the intimate partner and his relatives with 36.4%. This is followed by crime Assault on women with intent to outrage her modesty with 24.3% which is followed by kidnapping & Abduction of women with 17%. Rape related crimes are on 4th position with 10.9% .

Rape victim and accused relationship in India

Rape in India can be describe as one of India's most common crimes against women which directly put various kind of boundations like restricted dress-code, excess family control on her every step, controlled functioning, feel insure in walking alone at many places specially at night

etc. on a woman.

Rape is the fastest growing crime in India compared to murder, robbery and kidnapping. According to the report of National Crime Records Bureau (NCRB), every 60 minutes, two women are raped in this country. Out of 37,413 rape cases, in 32,187 cases the offenders were known to the victims accounting for 86.0% of total rape cases during 2014.

Rape victim and accused relationship in India -2014

| S.No. | Accused relationship | No. of rape victim |
|-------|--|--------------------|
| 1 | previously known to the victim | 19368 |
| 2 | Neighbors' | 8,344 |
| 3 | Unknown/ Stranger | 5,226 |
| 4 | Close Relative | 2,217 |
| 5 | Family Members other than blood relative | 966 |
| 6 | Incest rape by bold relative(father, Brother, grandfather) | 674 |
| 7 | Employer/ co-workers | 618 |
| | Total | 37413 |

The above table shows Maximum number of rape victim was committed by the known persons such as neighbours, friends, relatives, Employed/co-workers and other previously known persons. Only 3.68% cases were committed by the unknown persons. This table shows women are not safe even their family in present society.

Reasons behind Ineffectiveness of Laws

- **Traditional mentality**- we have to think about why, despite far-reaching legislation, rape and sexual assault is still common. Romit Chowdhury suggests that for Indian men the demonstration of masculinity, which has always problematically rested on harassing women, has now also become linked to breaking the laws that protect women.
- **Lack of Awareness about laws** - In India Govt. made various laws to reduce crime against women. Laws are not the only solution. The effectiveness of these laws depends on women's awareness of these laws and their ability and ease to call upon them, if need be. In reality Women of small cities or villages are not fully aware about all their rights and laws meant for their safety.
- **Lack of supportive environment to the victim** - A harassed and exploited woman needs a supportive environment. But she always found her stand alone when she raises her voice against exploitation.

- **In human behavior with Victim** – A victim woman faces very barbaric behavior from any one like police, doctors, neighbours, and sometimes also by her own family members. Everyone is trying to humiliate her which is more enough to get her mentally disturbed.
- **Humiliating investigation by investigation officer** – many times it have found that the police behave with the victim very cruelly. To avoid this shameful situation majority women took decision of not to complaint against the crime happening with her.
- **Huge No. of pending cases-** According to the Report of National Crime Bureau, 2014 there were 11,23,423 cases (consisting of 87,43,388 cases pending trials from previous years and 2,52,682 cases sent for trial during the year) were for trial during the year. This very slow going rate of disposal of cases is also a reason for non- reporting of women related crimes.
- **Rough forensic process** – A woman who makes a report about the crime against her have to go through from a rough forensic process of collecting evidences by the forensic team. Mostly the samples have taken by a male due to this she feels discomfort and shame. Eg- Two figure test in case of rape, harsh cross examination of victims, senseless adjournment of cases etc.

Suggestions

1. Create awareness everywhere about women to end exploitation against women and girl through the education and strong social, moral, and cultural values and make strong laws to punish victim immediately in Present Indian society.
2. Social change required from grass root level in people's culture, mindsets, attitudes and beliefs.
3. Enhance healthy environment for women and girls everywhere by providing and supporting of legal, political and social security to increasing their economic empowerment.
4. Poor investigations, harsh cross examination of victims, senseless adjournment of cases and faulty assessment of evidence and furnishing of evidence by victims in presence of culprits are areas that need reforms.
5. All Crucial cases related to crime against women should be tried in fast-track courts and the trial to be completed within 2 months, without the necessary judicial reforms and infrastructure in place it will be extremely difficult to achieve the desired conviction rate

6. Establishment of RCCs and SATUs in all major cities and towns is essential, which can act as a one-stop centre for medical, social, psychological and legal support of rape victims. Government, in collaboration with NGOs and other public health organizations, should set up more help-lines through which the victims have access to a network of professionals who are trained to support them in seeking care as well as legal recourse's personnel on standardized protocols in post-rape care is imperative.
7. Any person found to misbehaving with the victim at any stage of investigation must be punished by sentence. This will defiantly helps in improving the rate of reporting assaults on women.

Conclusion

Socio-economic development and integration of women in to the mainstream of national life has been pursued as a national policy objective since independence. The constitution of India has granted equal rights to both men and women but still women face extreme discrimination and violence and thus occupies low status in Society. Although there are many Laws provided under Indian Penal Code (IPC) and Special and Local Laws (SLL). The Indian states also make many laws that protect women. However, none of this means much unless law enforcement agencies actually implement the law. This mismatch between the existence of good laws and their actual implementation is itself a commentary on state capacity in India.

There is a solution of every problem. For reducing women exploitation, we should offer high level of education to girls and increase women empowerment. We should also give them opportunity in active politics & social activities so that social integration in Indian society can be made. All the laws meant for safety for women must be included in the school curriculum. One of the most effort can do in this direction is to change the narrow mindset of society towards women without which every law and every effort taking in this direction become ineffective.

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