



DHEERA - Stop Violence Against Women

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ABSTRACT

Violence against women is a universal global issue and is widely prevalent in India too. It has wide-ranging effects on women's health, family, community, and the nation. It is deep-rooted, multifactorial, and is against basic human rights. The United Nations Declaration on the Elimination of Violence Against Women defines it as '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, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'. No To Violence Against Women—to stop violence against women is a responsibility of each one of us. DHEERA is a campaign to stop violence against women. Violence against women is perhaps the most disgraceful human rights violation and probably the most prevalent one. The majority of Indian women face violence at the hands of their partners or relatives. What we identify is only the tip of the iceberg with many more going undetected. It knows no boundaries of geography, culture, or wealth. It is the root cause of maternal morbidity, reproductive coercion, and poor physical, emotional, and psychological health of women. FOGSI—The Federation of Obstetrics & Gynaecological Societies of India is committed to rise, speak up, focus, and partner with all the stakeholders—law, police, women, students, youngsters, and men for taking it forward, with its theme "DHEERA: No to violence against women".

Key words: Gender gap, Constitution and law, Sociodemographic factors, Physical abuse

VIOLENCE AGAINST WOMEN

With a population of one hundred thirty million, India is the world's biggest democracy. In any case, Indian women have faced endless problems at home and in public since their youth. As long as humans have existed, women have been an important part of society, human life, and the world. When India became independent, the participation of female nationalists/freedom fighters was no less than that of male freedom fighters. When the Constitution of India was drafted in 1950, women were given equal rights to men in society, and as legal citizens of India women were considered equal to men in rights, liberties, and opportunities.

Violence in opposition to ladies is now well diagnosed as a public fitness problem and human rights violation of world significance. It is a vital chance component for women's sick health, with far-attaining outcomes for each of their bodily and intellectual health.^[1] The term violence against women

encompasses a multitude of abuses directed at women and girls over the lifespan.

According to the UN Declaration on the Elimination of Violence in Opposition to Women, violence against women is defined as: "...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, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life".^[2] This announcement defines violence as an act that has a purpose, or the capability to cause harm, and by introducing the term "gender-based" emphasizes that it is rooted in inequality between women and men.

THE NATURE OF THE VIOLENCE

Self-centered, interpersonal, or collective acts of violence are usually categorized as physical, sexual, or psychological. Deprivation and neglect can be considered a form of psychological abuse. However, these different forms often interact to form complex patterns of behavior, combining psychological violence with physical and/or sexual abuse in some situations. Coker and colleagues discovered that women who have gone through both mental and physical torture scored higher on scales measuring health status than women who experienced only physical violence.^[3]

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Received: ***

Accepted: ***

DOI: ***

Physical violence is committed through physically aggressive actions such as kicking, biting, slapping, punching, and even choking. Intentionally caused injuries are often disguised as accidents. Women may be seriously injured or even die from their injuries.^[4]

A number of recent surveys conducted in different parts of the world show that between 10% and 60% of women have been beaten or physically assaulted by an intimate male partner at some point in their lives. which has been shown to occur in 3% to 52% of women. These numerical ranges reflect not only possible real-world differences in prevalence between settings but also differences in research methods and definitions of violence that make comparisons difficult. In addition, cultural differences that influence respondents' willingness to disclose intimate partner abuse also make comparability of figures difficult.

PSYCHOLOGICAL, MENTAL, OR EMOTIONAL VIOLENCE

Psychological, mental, or emotional violence includes not being able to see family and friends, ongoing degradation or humiliation, financial restrictions, violence or intimidation of loved ones, and other forms of behavioral control. point. This form of violence is more difficult to define by culture and country because it can take many forms. A study in Vietnam found that psychological violence included the act of her husband forcing his wife to have sex, or forcing her to break taboos, cleanliness, and continents the day before she prepared to pray at a pagoda. was included. Because bringing a girlfriend home, being locked out of the house, or refusing sex were more frequently identified as emotional violence.^[5,6]

Sexual violence includes acts such as forced sex by physical force, threats or intimidation, forced participation in degrading sexual acts, and denial of the right to use contraception and protection from sexually transmitted diseases. included. While much sexual violence occurs in the context of intimate partner violence, it can also occur in many other situations. Sexual violence is committed by other family members, partners, acquaintances, or strangers and may beat girls, adolescents, and adult women. Similar to gang rape, a woman may be sexually abused by one or more of her. The phrases rape, sexual assault, sexual abuse, and sexual violence are regularly used interchangeably. However, these terms can have very different meanings and meanings depending on the situation and location.^[7]

CAUSES

1. Gender gap is one of the deepest causes of violence against women, exposing them to numerous forms of violence. Discriminative gender morals and gender conceptions lead to structural inequalities.^[8]
2. Psychiatric morbidity generally refers to physical and cerebral deterioration due to internal or cerebral conditions caused by alcohol consumption.
3. Regular alcohol consumption by misters is explosively associated with poor internal health in women. Alcohol acts

as a situational factor that increases the liability of violence by weakening deterrence, clouding judgment, and injuring a person's capability to interpret cues.

4. Sociodemographic factors Patriarchy was cited as the main cause of violence against women. The threat of violence is advanced when a woman has an advanced profitable status than her hubby and is seen as important enough to change traditional gender places.
5. Family factors exposure to harsh physical discipline in nonage and seeing her father beat her mama in nonage are predictors of victimization and violence towards women in the majority.

TRADITIONAL AND CULTURAL PRACTICES

1. Female genital mutilation: May cause death, infertility, long-term emotional trauma, and increased physical suffering.
2. Acid attack: Acid attack is a cheap and readily available method of disfiguring and sometimes killing women and girls for a variety of reasons, including family feuds, inability to meet dowry demands, and refusal to marry. Became a weapon.
3. Honor Killings: In several countries around the world, including Bangladesh, Egypt, Jordan, Lebanon, Pakistan, Turkey, and India, women are killed for a variety of reasons, including B. Suspicion of being killed to protect family honor.
4. Adultery, premarital sex (with or without sexual relations), rape, and having an affair with someone not recognized by the family.
5. Early Marriage: Early marriage is a form of violence that undermines the health and autonomy of millions of girls, with or without their consent.

Judiciary and Law Enforcement

Insensitive, inefficient, corrupt, and unaccountable judiciary and law enforcement do not deter many forms of crime.

Sociocultural factors against women

Gender role stereotypes have persisted for centuries.

- The main roles of women were marriage and motherhood.
- Women must marry because being single, separated, or divorced is dishonorable.
- The practice of dowry is still prevalent in Indian marriages.

DRAFTING OF THE CONSTITUTION OF INDIA

The Constitution of India was accepted by the Constituent Assembly on 26 November 1949 and came to effect on 26 January 1950.

1. Dakshayani Velayudhan

In 1945, the State Government appointed Dakshayani as a member of the Cochin Legislative Council. She was the only Dalit woman to be appointed to the Constituent Assembly in 1946. Dakshayani raised her voice on numerous issues experienced by the Scheduled Caste people group amid the Constituent Assembly discussions.

2. Ammu Swaminathan

A member from Madras Constituency in a speech on the movement to pass the draft Constitution on November 24, 1949, Ammu stated, "People outside have been saying that India did not give equal rights to her women. Now we can say that when the Indian people themselves framed their Constitution they have given rights to women equal with every other citizen of the country."

She was appointed to the Lok Sabha in 1952 and Rajya Sabha in 1954.

In 1959, Ammu became the Vice President of the Federation of Film Societies, and Satyajit Ray was President. She also managed the Bharat Scouts and Guides (1960-65) and the Censor Board.

3. Begum Aizaz Rasul

The only Muslim woman in the Constituent Assembly in the year 1937. In 1950, after the Muslim League in India broke up, Begum Aizaz Rasul joined Congress. She was elected to the Rajya Sabha in 1952 and was an individual from the Uttar Pradesh Legislative Assembly from 1969 to 1990. Somewhere between 1969 and 1971, she worked as the Minister for Social Welfare and Minorities. In 2000, she was granted a Padma Bhushan for her contribution to social work.

4. Durgabai Deshmukh

In 1936, she started the Andhra Mahila Sabha, which within 10 years transformed into a training and social welfare institute in Madras.

She was the Chairwoman of a few focal associations like the Central Social Welfare Board, National Council for Women's Education, and National Committee On Girls' and Women's Education. She was one of the important members in the Andhra Educational Society, New Delhi. Durgabai was granted the fourth Nehru Literary Award in 1971. In 1975, she was granted the Padma Vibhushan.

CURRENT CIRCUMSTANCE

In India, more than one million people succumb to sexual violence in the form of business purposes and trafficking despite the fact that there is no exact examination or information on the number of females and kids who are victims of sexual misuse.

Research done on kid prostitution uncovers that:

- A 40% incidence of child prostitution through kidnapping is estimated.
- The percentage of Devdasis is 15-20% in massage parlors in Mumbai, 10% in Nagpur, Delhi, and Hyderabad, 50% in Pune, and up to 80% in metropolitan bases in the Belgaum region.
- About 50% of young people enter prostitution following an assault.
- 10% of people are whores' spawn.
- Around 5% of people are descendants of Dalit and indigenous families, where prostitution is a common and accepted practice.
- Five to ten percent of young women are offered and sold for prostitution.

- About 5% of people come from dysfunctional families, spouses, or family abandonment.
- 2% as a result of catastrophes.

The problem of female and child trafficking for the purpose of sexual abuse is widespread at all levels, including neighborhood, region, state, and cross-outskirt. Business exploitation of women and children occurs in a variety of settings, including prostitution based in houses of bad repute, the travel business, media outlets, and sexual entertainment in print and electronic media. Trafficking in women and children for commercial purposes is against the law, and it has negative effects on the victims' physical, emotional, and moral well-being.

Researchers found that 83% of sex specialists came from areas with "low formative markers, restricted monetary opportunities, and inadequate formative intercessions" in a 1998 study commissioned by the Government of India and UNICEF.^[9] Trafficking is a complex problem that encompasses a wide range of complicated and extremely perplexing social, political, and ethical aspects. Most of the exploited people were trafficked in exchange for promises of jobs, better job prospects, and marriage. Some are taken captive under duress. Some young girls are commonly sold by friends or family members, and occasionally even by their own family members out of insatiability or edginess.

MISUSE AND NON-EXECUTION OF THE LAW

The failure to implement the aforementioned law has led to great damage and a preference for prostitute victims, and it continues to do so. The State specialists' lack of sensitivity in failing to recognize their responsibilities and release it as required by law is added to the lack of authority.

Specifically speaking, Justice V.R. Krishna Iyer had stated the following regarding the current legislation: "The Police Administration can't be moral gatekeeper of the Indian resident, that passes judgement on attempting this class of cases unless if uniquely prepared or put through courses, end up being legal impediments as opposed to social equity vehicles. Every step of manliness is writ large.

Justice Iyer encourages social welfare organizations to actively contribute to equitable transmission instruments. "Dynamic investment in the extremely legal process will go far in mingling the enactment without detaching as a simply police-judge esoterica," the author writes. He also calls for a radical revision of the law as it stands. He comments, "Khaki is not well prepared and the robes are excessively fantastical," in this context. If the law is to be more than a paper tiger, new instruments must be created.

LEGAL CASES

- A PIL was filed against the forced prostitution of young women, Devdasis and Joginis, and for their rehabilitation in **Vishal Jeet v. Association of India**. The Supreme Court ruled that despite the strict and remedial measures set forth

in the various Acts, results were not what were desired and thus required an evaluation of the measures by the Central and State Governments to ensure their execution. The court urged fierce and prompt legal action against those who exploit others, such as pimps, business owners of massage parlors, and merchants. The Court made a few orders, among them the creation of various Zonal Advisory Committees, the provision of rehabilitative houses, the successful administration of the Devdasi framework, the Jogin convention, and others.^[12]

- The Supreme Court of India requested in **Gaurav Jain v. Union of India** that a board of trustees ss established in order to conduct an in-depth investigation into the issue of prostitution, child whores, and offspring of whores, as well as to advance suitable plans for their protection and recovery. The Apex Court issued guidelines to ensure the security of these people's human rights after observing that "offspring of whores should, however, not be allowed to live in the inferno and the unfortunate surroundings of whore homes."^[13]

The Central Government established the "Council on Prostitution, Child Prostitutes and Children of Prostitutes and Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children" in 1998 in compliance with the directives made by this Court in the Gaurav Jain case. Point-by-point recommendations were developed in 1998 out of a report that included an activity plan and included the challenges in responding to the issues of company sexual abuse with a view to capturing the methodical issue, including issues identified with legislation implementation and legal adjustments.

The majority of the Action Plan's components must be carried out locally by creating committees at the local level. A squad to combat human trafficking shall be established by the District Committees in each location, with an officer not below the rank of Deputy Superintendent of Police serving as its commander. By providing them with a workable, legal remedy, legal certainty, nonunfair treatment, recompense, remuneration, and recovery, they will protect the rights of trafficked persons.

In order to "protect" all women from harm, anti-trafficking estimates cannot deprive any woman of her human rights because the prohibition of discrimination and the universality of human rights are fundamental and nondemeaning principles.

As respects the legal, an ongoing distribution of UN says:

"One of the most crucial areas that needs to be improved in regard to sex issues and the violation of women's rights due to trafficking is the law. An examination of judges' conduct reveals a protectionist attitude in their evaluation of legal reasons against trafficking.

The sensitive judges and preliminary officers have, to the extent possible, produced a courtroom atmosphere that is conducive to regrettable casualties. The court procedures should be reviewed to ensure that no one, not even the guard, benefits from the re-victimization and traumatization of the individuals. It is crucial to keep in mind that even when the matter reaches the courts, observers typically become hostile, making it extremely difficult for the indictment and the unlucky victims to receive justice.

The report of DWCD specifies:

"The legal is blamed for taking on a role in auxiliary exploitation, by its method of addressing between court procedures, the protracted, tedious legal processes, and the legal framework apparently is denying for unfortunate victims who look for equity as opposed to discouraging the people who submit treachery."^[10]

CONSTITUTIONAL PROVISIONS AND PRIVILEGE

- The following is a list of the rights and protections guaranteed to Indian women by their constitution: Article 15(1) states that the state would not discriminate against any Indian citizen based on their sex.
- The state is free to create any special conditions for women. This system, in a sense, gives the state the authority to create positive segregation for women [Article 15(3)].
- No national should be subjected to discrimination or be disqualified from holding any office or enterprise under the state on the basis of sex [Article 16(2)].
- Individual activity and restricted labor are prohibited [Article 23(1)].
- The right to a satisfactory means of doing business, as well as the state's ability to anchor for people [Article 39(a)].
- The state is required by Article 39(d) to break even with remuneration for comparable labor performed by both Indians. The state is expected to ensure that women workers' safety and quality are not compromised and that they are not forced by financial need to engage in activities that are inappropriate for their quality [Article 39(e)].
- The state will establish equitable and sympathetic work and maternity relief conditions [Article 42].
- Each Indian citizen shall be required to refuse honors that are detrimental to women's nobility (Article 51-A(e)).
- Women will be given 33% of the total number of seats in each Panchayat that will be filled by direct election [Article 243-D(3)].
- Women will hold 33% of the total number of chairperson positions in Panchayats at each level [Article 243-D(4)].

CRIMINAL LAWS

A comprehensive law was passed in 2005 called the Protection of Women from Domestic Violence Act to protect women in India from all forms of aggressive behavior at home. It also includes women who have been or are connected with the abuser and are the targets of violence of any kind, including physical, sexual, mental, verbal, and passionate abuse.

The Indian Penal Code (1860) has provisions to protect Indian women from crimes like as settlement murder, assault, kidnapping, and abuse.

Certain protections for women are included in the Code of Criminal Procedure (1973), such as a man's obligation to support his significant other and female police officers' ability to apprehend women. The primary law for combating trafficking for business

sexual abuse is the Immoral Traffic (Prevention) Act (1956). In the end, it fights against the organized practice of trafficking women and young girls for the purpose of prostitution.

The Indecent Representation of Women (Prohibition) Act of 1986 prohibits the repulsive depiction of women in notices, performances, works, artwork, figures, or in any other manner.

The Crime of Sati (Prevention) Act of 1987 takes into consideration the more practical anticipation of the crime of sati and its exaltation of women.

The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act of 1994 prohibits the employment of prenatal demonstrative strategies for sex assurance that could lead to female foeticide and forbids sex choosing before or after origination.^[11]

FAMILY LAWS

Monogamy was promoted by the Hindu Marriage Act of 1955, which also allowed for separation on specific predetermined conditions. It granted Indian men and women basic rights regarding marriage and divorce.

The Dowry Prohibition Act (1961) prevents women from receiving or donating gifts before, during, or after marriage.^[12]

The Maternity Benefit Act of 1961 regulates the work of women in particular foundations during a specific time of labor and includes maternity benefit and other specific benefits.

The Medical Termination of Pregnancy Act of 1971 permits medical experts to end particular pregnancies for compassionate and healing reasons.

A Muslim spouse has the right to investigate the breakdown of her marriage under the terms of the Dissolution of Muslim Marriages Act (1939).

The Muslim Women (Protection of Rights on Divorce) Act (1986) safeguards the rights of Muslim women who have either been forced to split from their spouses or have done so on their own volition.

The Family Courts Act of 1984 supports the establishment of Family Courts for the swift resolution of family disputes.

According to the Hindu Succession Act of 1956, women have the same right to inherit parental property as men have.

SPECIAL PROVISIONS

- The Indian Christian Marriage Act of 1872 contains provisions relating to union and divorce among the Christian population.
- Legal services are provided to Indian women without charge under the Legal Services Authorities Act (1987).
- The Equal Remuneration Act of 1976 permits the payment of comparable wages to each worker for identical or comparable work. Additionally, it combats discrimination against women in enrollment and administrative situations based on their sex.
- Separation between male and female specialists or different least salaries for them are not permitted under the Least salaries Act (1948).

- The Mines Act of 1952 and the Factories Act of 1948 prohibit women from working in mines and processing facilities between the hours of 7 p.m. and 6 a.m., respectively, and provide for their welfare.

WOMEN EMPOWERMENT AND SPECIAL PROVISIONS

- Women have the right and social responsibility to decide if, how, when, and how many children to have; no woman may be forced to bear male children or prevented from doing so without choosing to. The authorizations for exceptional paid leave ought to be implemented in private divisions as well. Financial structures and standards that prevent women from freely exercising their human rights, including their conceptive rights (such as women's legal standing, access to education, basic leadership roles, level of need, and decision-making regarding potential marriage partners and rights within marriage).^[13]

CONCLUSION

Despite the changes that have occurred to women's status over the past forty years, they are still working to maintain their opportunity and pride. By and large, Indian women are having the most difficult time mentally and physically, primarily due to ignorance and a lack of knowledge about the legal and protected rights of women in India. The Constitution guarantees a number of rights to women, including protective separation for women, the right to be treated fairly, the right of women to obey instructions, the right to opportunities, and the right to political representation of women.

The women's trait positioning reveals that their most preferred attributes that contribute to women's strengthening are flexibility of corporate standards, free instruction for women, moral support, meet opportunities, financial assistance, carefulness support at workplaces, and advantageous transport offices, followed by reservations. The protected benefits have to be available to corporate customers as well.

In India, we have a wide range of laws that support women or provide them with exceptional insurance; some of these laws are even world firsts, and the majority of them are cutting-edge and practically magnificent (some must-know laws are listed here for you to share and spread awareness). These laws are primarily found in the criminal, matrimonial, human resource, labour, and domestic affairs categories of law.

Some people do legitimately claim that a particular minority of women abuse these agreements. In any event, the question to ask in response to that claim is: Is there a law that has not been violated? The Supreme Court has often emphasized that there is no excuse for breaking any law if these arrangements have been put to the test of constitutional validity. Standard operating procedures, schedules, and guidelines are in place to prevent exploitation of these agreements. Abuse will decline as we develop a vibrant, reputable society, and governing laws will get closer to being foolproof. However, most importantly, we will get closer than ever to establishing real communication between men and women.

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How to cite this article: Kumari SS. DHEERA - Stop Violence Against Women. *J Glob Obstet Gynecol* 2022;2(1):19-24.

Source of support: Nil, **Conflict of Interest:** Nil.

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