
WOMEN'S RIGHTS AND SECURITY IN INDIA

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Abstract: With a vibrant women's rights movement in India, there are continuous demands for better laws, provisions, and accountability for implementation. Most recent examples include the change in India's rape laws, where in 2006 marital rape was recognized. Currently, women's rights activists are demanding better provisions in Sections 375 and 376 of the Indian Penal Code. Since then, there have been multiple challenges by the women's movement leading to small but significant amendments. The 2005 Domestic Violence Act provides protection from violence in the household from not only male perpetrators, but also female perpetrators like mothers-in-law and other female members in extended families.

Sex work is a debated subject in the women's movement in India. The anti-prostitution law is seen by many to criminalize and further marginalize women who are in the sex trade. Women's rights organizations, activists, and organizations such as the Durbar Mahila Samanway Committee (a nationwide sex workers' collective) have long supported legalization of the sex trade in India.

Keywords: Gender equality, Micro Finance, Indian Penal Code, Physical violence, Sexual abuse, Sex trade.

Women's rights: Policies relating to women's rights have had a positive trajectory in the past few decades with the central government articulating many progressive measures to advance gender equality in social, economic, and political arenas. The Government of India (GOI) has two main bodies to advance gender equality: the Ministry of Women and Child Development and the National Commission for Women, which is an autonomous organization under the Ministry of Women and Child Development. Both bodies work on national-and state-level legal and social policies to advance gender equality. The Ministry has widely implemented local-level micro-finance schemes to advance economic opportunities for rural women. The National Commission for Women has been instrumental in creating legislative changes, and has set up Complaint and Investigate Cells at the state level. The Grievance Cells receive complaints of gender-based violence and are mandated to investigate, provide referrals and counseling, and ultimately report on such cases.

With a vibrant women's rights movement in India, there are continuous demands for better laws, provisions, and accountability for implementation. Most recent examples include the change in India's rape laws, where in 2006 marital rape was recognized. Currently, women's rights activists are demanding better provisions in Sections 375 and 376 of the Indian Penal Code. Since then, there have been multiple challenges by the women's movement leading to small but significant amendments. The 2005 Domestic Violence Act provides protection from violence in the household from not only male perpetrators, but also female perpetrators like mothers-in-law and other female members in extended families.

There also have been gains in women's inheritance rights, yet challenges remain in implementation.

Social biases and lack of enforcement continue to hinder the full realization of Indian inheritance laws. Inheritance laws and property distribution fall under the Hindu and Muslim personal laws, both of which exempt agricultural land. For a country with a predominantly agro-based economy, women's inability to inherit agricultural land exacerbates feminization of poverty and neglects women's welfare.

Like all other spheres of social change in India, there is an undeniable gap between policy and practice. More notably, the deeply entrenched social hierarchies based on class, caste, ethnic, and communal divisions leave many communities on the margins with little knowledge of their rights and even less protection from local, state, and national governmental policies. Inequality between men and women runs across the board, including in education, economic opportunities, representation in governance, and other state and private institutions. Additionally, women in India face high rates of violence. Some recent statistics on women include:

- India ranks 18th among the highest maternal mortality rates in the world with 540 deaths for every 100,000 births.
- Only 48% of adult Indian women are literate.
- Among rural women, 36.1% have experienced physical violence in their adult lives.
- 66% of women who have experienced physical violence in their lifetimes are divorced, widowed, or deserted.
- Lower caste and tribal women are among those who experience the highest levels of physical violence.
- 85.3% of women reporting violence claimed that their current husbands were the perpetrators.
- According to the most recent Demographic and Health Survey analysis, only 43% of currently

married women (between ages 15-49) are employed as compared to 99% of men.

women's security: The multiple forms of violence experienced in the household, at the community level, and in some instances by the state, threaten women's security in India. In many parts of North India son preference is a widely practiced phenomenon. Son preference has direct linkages to sex-selective abortion (illegal across India; however, enforcement by both police and some doctors is still lacking), and discrimination of girl children in access to health, nutrition, and education. Research conducted by the International Centre for Research on Women (ICRW) found that, although not universal, particularly in households where there is more than one daughter there are significant differences in nutrition and health levels between male and female children.

Additionally, at the household level, incest, rape and domestic violence continue to hinder women's development across India. Forty percent of all sexual abuse cases in India are incest, and 94% of the incest cases had a known member of the household as the perpetrator.

Dowry related deaths, domestic violence, gang rape of lower caste women by upper caste men, and physical violence by the police towards tribal women all contribute to women's insecurity in India. The class and caste structure inadvertently put poor women from lower class and tribal communities at the most risk of violence. Class and caste divisions also create grave challenges to poor, lower caste, and tribal women in accessing justice and retribution as victims and survivors of violence.

Women and girls in urban India are also at high risk of gender-based violence. In Delhi, the country's capital, a scan of daily newspapers reveals shocking numbers of cases of violence against women. The National Crime Bureau claims that a woman is raped every 29 minutes in Delhi. Street violence in urban centers is a growing concern for young women and girls, who are increasingly moving away from rural areas for economic opportunities and higher education. Particularly women and girls from the northeast region of India living in urban centers such as Delhi have reported experiencing social discrimination and marginalization, and many times physical violence. In 2005, according to the North East Support Centre, among the 100,000 people from the northeast living in Delhi 86% had reported racial discrimination and 41% of cases were sexual abuse cases.

The northeast states of India are a volatile region, with a number of active insurgencies. The GOI has continuously deployed state troops to fight the insurgents, who predominantly follow the Maoist

ideology. This region, because of its physical and cultural proximity to Myanmar, China, and Bhutan, has for the most part been ignored by the central government, thereby fuelling the insurgents' demand for development and autonomy. In the northeast (as in most conflict-ridden regions) women bear the brunt of war from both sides. There have been numerous instances of violence perpetrated by state security forces against local and tribal women.

trafficking of women and girls: India is both a source and destination for trafficked women and girls into prostitution and bonded labour. While exact numbers of trafficked women and girls are difficult to ascertain, there have been figures projected by various national and international NGOs. Anti-trafficking measures in India have increased with India's commitment to international human rights protocols, and through strict legal provisions at the national level. The Immoral Traffic Prevention Act 1956 (ITPA) is the widely used law to prosecute traffickers, but also is invoked to target prostitution. Sex work is a debated subject in the women's movement in India. The anti-prostitution law is seen by many to criminalize and further marginalize women who are in the sex trade. Women's rights organizations, activists, and organizations such as the Durbar Mahila Samanway Committee (a nationwide sex workers' collective) have long supported legalization of the sex trade in India. The debate over legalization of sex work continues today and sex-work supporters are lobbying to change the ITPA for better rehabilitation measures for those who have been rescued during brothel and street raids. The ITPA also does not give adequate measures for those who are trafficked for purposes other than sex work and disproportionately targets women, making them further vulnerable to poverty and exploitation.

Conclusion: Now the question for paramount consideration is that despite the legislature measures and judicial pronouncements, the position of women is still vulnerable in Indian society. They are subjected to violence in one form or the other. Cases of bigamy, sexual abuse, female feticide, immoral trafficking, and wife-beating are so common. Right to Life is a basic human right as well recognized under the national and international instruments. But such kinds of acts are the grave violation of right to live with dignity. Mere legislative efforts are not suffice to tackle this major issue. We are having a example of Delhi gang Rape. There is a major amendment in the criminal law by the recommendation of Justice Verma Committee. But the exercise remains futile and the incidents continue to happen. A multisectorial approach and reform in the orthodox mindset is the need of the hour in this regard.

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