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GENDER INEQUALITY, VIOLENCE AGAINST WOMEN AND THE WOMEN PROTECTION LAWS

Abstract

Women are considered to be the epitome of society and the trailblazer of the development in the society. This progress is restrained by factors like gender inequality and violence. This article highlights the concept of gender inequality, its consequences associated with it, types of violence prevalent in society against women, and steps involved in committing such violence further, it delves into the prevailing laws for women protection and legal cases associated with them. By the end of the article, one can understand the true meaning of the topic of the article.

Keywords: Violence against women, gender inequality, protection laws.

Introduction

The world today is in the era of giving recognition to multiple genders. It may be divided equally with respect to gender. But fails to divide equally with respect to the rights and development. And therefore, comes the term gender inequality. Before understanding gender inequality, it is important to understand what gender equality stands for. It is supposed to be a neutral concept that is untouched or unaffected by any disparities ranging from access to rights or opportunities. It thus gives equal access to rights and opportunities to all genders. Equality is not just a need to be fulfilled but a right that must be accessible to all regardless their gender. In the words of Sustainable Development Goals of the United Nations goal five¹ refers to gender equality which says gender equality is not just a fundamental right but a necessary foundation for a peaceful, prosperous and sustainable world.

Origin of inequality and its consequence

Inequality refers to the limitation of access to rights and opportunities with respect to a specific gender i.e., women. It ranges over wide areas like inequality at the workplace, unequal pay, gender-biased inheritance, lesser accessibility to make decision of choosing their partner, pushing for child marriages and the list remains endless. As per the reports of the United Nations women and girls represent half of the world's population and its potential. However, gender inequality persists everywhere and hinders social development. One of the most pivotal

cases of determining gender inequality is observed in United States V. Virginia (1996)² where

it was established that the Virginia Military Institute's male-only admission policy violates the equal protection clause.

When more of inequality persists, it gives birth to consequences like violence against women a root cause of poor physical and mental health among women and underdevelopment of social and economic factors.

Violence against women and its types

The United Nations defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”³. Violence is an outcome of the subsequent steps followed before committing such as planning and premeditation, use of coercion, isolation, etc. The following are the most occurring forms of violence against women:

- **Intimate partner violence-** It is one of the outcomes of domestic violence causing physical, sexual, and psychological harm. The outcome of such violence is reflected in the mental and physical health of a woman.
- **Sexual violence-**The act of building intimacy with the partner without having consent amounts to sexual violence. It includes acts of abusive sexual contact, forced engagement in sexual acts without her consent, sexual harassment, verbal abuse, threats, exposure, unwanted touching, incest, and others. As per the estimates of WHO⁴ it is indicated that around 30% of women globally have been subjected to either physical or sexual violence in their lifetime. It includes sexual harassment at the workplace, rape, corrective rape and sexual violence in armed conflict which is an act of violence against women including violation of human rights in situations of armed conflict⁵ such as systematic rape, sexual slavery and forced pregnancy, as well as forced sterilisation, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.
- **Female genital mutilation-** It refers to the complete or partial removal of female genital organs causing devastating effects on the body like haemorrhage, shock, proximity to HIV transmission and can be as severe as death.

³ <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

⁴ <https://www.who.int/news-room/fact-sheets/detail/violence-against-women#:~:text=Estimates%20published%20by%20WHO%20indicate,viole%20is%20intimate%20partner%20violence>

⁵ <https://digitallibrary.un.org/record/250039?ln=en&v=pdf>

- **Child marriages** account to such marriages where the parties are made to marry before attaining the marriageable age and are sometimes forced to do so. It is considered as one of the violations of a child's right as classified by UNICEF⁶.
- **Cyber violence** is associated with technology-facilitated violence against women or amplified by the use of information communication technologies or other digital tools, that results in or is likely to result in physical, sexual, psychological, social, political, or economic harm or other infringements of rights and freedoms. It may further include cyberbullying, doxing and non-consensual sexting.
- **Femicide-** It refers to the act of killing a girl child on account of the reason of believing stereotypes about gender roles.

Women protection laws in India

There is ample of violence that occurs every single minute against women only appropriate laws can safeguard women's rights and ensure their safety. Following are the laws prevalent in India for the protection of women:

- **The Sexual Harassment of Women at Workplace (prevention, prohibition and Redressal) Act, 2013-** This law ensures a safe working environment at the workplace and addresses the harassment at workplace. In Vishaka v State of Rajasthan(1997)⁷ Vishaka guidelines were formulated by the Supreme Court to address sexual harassment in the workplace. It was also held that they have the right to gender equality, to work with dignity and a safe working environment as provided by Article 14,19 21 15(1),42,51-A(a),(c) and 32 of the Indian constitution.
- **The Protection of Women from Domestic Violence Act, 2005-** This act provides for legal actions against perpetrators and offers protection orders, residence orders and monetary relief to ensure women's safety. In Golan v. Saada⁸ it was held by the Supreme Court of the United States of America that courts to consider protective measures in cases involving domestic violence.
- **Dowry Prohibition Act,1961-** This act prohibits the practice of dowry, protecting women from dowry demands, abuse and assault ensuring their safety.

The Hindu Marriage Act,1955- This act provides for legal provisions for women's rights in marriage, and governs issues like maintenance and child custody. In Atul Sashikant Mude v.

⁶<https://www.unicef.org/gender-equality>

⁷ www.sconline.com

⁸ https://nnedv.org/latest_update/recent-supreme-court-decisions-impacting-domestic-violence-survivors/

Niranjana Atul⁹ This case likely addresses issues related to maintenance and support under the Hindu Marriage Act, highlighting the legal principles and considerations surrounding the financial responsibilities of spouses within the context of marriage and separation

New Provisions under Bhartiya Nyay Sanhita, 2023¹⁰ replaced by Indian Penal code 1860: The BNS has enlarged the definition of ‘cruelty’ under sec.86 by including harm to woman’s mental health to physical well-being. It further provides for protection to sexual assault survivors by not revealing their identity.

Conclusion

Mahatma Gandhi said that the country can never be developed without the contribution of the other half i.e., women. For development to take place inequality must subside by equality. And the implementation of the provisions of laws strengthens women’s safety and aids in the process of their development.

⁹ www.sconline.com

¹⁰ https://prsindia.org/files/bills_acts/bills_parliament/2023/Bharatiya_Nyaya_Sanhita,_2023.pdf