



UNENDING STRUGGLE FOR EQUALITY

By *Nishtha Sharma*
From *Delhi Metropolitan Education,*
G.G.S.I.P.U

ABSTRACT

This essay explores the struggles that women face globally for the recognition of their rights and the crimes that have been committed against women since the beginning of time. References have been made to international conventions and surveys conducted by the United Nations over the past few years to shed more light on the crimes committed against women all over the world. It also explores the struggles of an Indian Women and the various legislations implemented by the Indian Legislators to put an end to them. Moreover, it also suggests ways to empower women and emphasizes their importance in society.

“There are two powers in the world; one is the sword and the other is the pen. There is a great competition and rivalry between the two. There is a third power stronger than both, that of the women.”

The struggle for recognition of Women’s Rights has been a long one. Women have always played a very important role in society but they have always been discriminated against because of their gender. Often in historical times, the rights and liberties that were given to men were denied to the women due to this women have not been able to lead a life on par with men in spite of their urge for equality.

Earlier women were not allowed to work and were not given any property rights as they were only perceived as caretakers of the household and the men were considered the bread getter. They had no means to fend for themselves and were completely dependent upon the males in their lives leaving them in a vulnerable position. As women were only considered important in family organizations, their opinions and voices were often suppressed. However, with the rise of Women Rights Movement and the principle of equality, changes have been made to this societal structure. The modern society now has seen that a women can not only successfully manage her house but can also work and have a career. This change has been possible due to the adaption of various laws which aim at ending differential treatment of women in society.

The Universal Declaration of Human Rights which is considered to be the “*Magna Carta*” of human rights has contributed greatly to secure the rights of women by propagating the principles of equality in all its articles. Article 2 of the Declaration¹ which deals with right against discrimination propagates the ideal that all



the rights mentioned in the Declaration are available to everyone without any kind of discrimination.

However, the most significant contribution to this cause has been made by the United Nations in 1979 when the Convention on the Elimination of All Forms of Discrimination Against Women¹ was adopted by the General Assembly. Currently there are ninety-nine signatories to the Convention. The thirty Articles long convention attempts to end discrimination against women in all spheres. Many signatories to the convention have ratified the convention but none have done so without reservations. Some powerful countries like USA, have still not ratified this convention.

So you see, we have a lot of laws to end the struggle of women to be treated as equals but all of this is in theory. Yes, the modern society has changed and yes there are better laws but women are still very often stigmatized and forced to conform to societal pressures. In workplace, they still face difficulties and there is always the existence of glass ceiling which is preventing women all over the country and all over the world to achieve their full potential.

I recently came across a story where the husband and the wife both used to work. When the husband used to come back from work, his mother would pamper him and smother him with love but when the daughter-in-law used to return from her job, two hours after her husband, she was given orders to do household chores. Sadly, these stories are very common. If women are not forced to sacrifice their career or forced into

unwanted marriages, extra pressure to juggle both the worlds is being put on them.

Societal Pressure and family pressure is not the only struggle in a women's life, the biggest threat is violence against women. History bears witness to centuries of atrocities faced by women, it bears witness to the constant violations of a women's right and the numerous crimes that have time and again been committed against the women around the world.

Today's world is no different in this perspective. Instances of Rape, Honor Killing, Dowry Death, Acid Attacks, Stalking, Voyeurism, Eve-teasing and Sex-Trafficking are a daily part of our news feed. Daily, we hear news that some girl got raped, another got murdered because she wanted to marry a person of her choice, some got burned by the in-laws because of less dowry. This scenario is not just limited to India but all around the world there are numerous crimes being committed against women. Women's safety in today's time is a big issue. Various surveys conducted by the United Nations Organizations paint a very horrific picture of crime against women. Some of the results of the surveys are:

- It is estimated that 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner at some point in their lives.¹
- Forty-three per cent of women in the 28 European Union Member States have experienced some form of psychological violence by an intimate partner in their lifetime.¹



- Worldwide, almost 750 million women and girls alive today were married before their 18th birthday. Child marriage often results in early pregnancy and social isolation, interrupts schooling, limits the girl's opportunities and increases her risk of experiencing domestic violence.¹
- Around 120 million girls worldwide (slightly more than 1 in 10) have experienced forced intercourse or other forced sexual acts at some point in their lives.¹
- At least 200 million women and girls alive today have undergone female genital mutilation in the 30 countries with representative data on prevalence. In most of these countries, the majority of girls were cut before age 5.¹
- Adult women account for 51 per cent of all human trafficking victims detected globally. Women and girls together account for 71 per cent, with girls representing nearly three out of every four child trafficking victims. Nearly three out of every four trafficked women and girls are trafficked for the purpose of sexual exploitation.¹

So, in the global scenario we see that the rates of violence against women are alarmingly high. If we look at the Indian scenario then a leading newspaper, recently reported an economic survey which stated that "the growing number of crimes, including kidnapping, sexual assaults on girls and women, has reached appalling levels and the insecurity women have to face in public spaces has increased."¹ Nowhere in the world are women completely safe.

To protect the women of the nation, the Indian legislature has implemented many

Acts like The Immoral Traffic (Prevention) Act, 1956, The Dowry Prohibition Act, 1961 (28 of 1961), The Indecent Representation of Women (Prohibition) Act, 1986, Protection of Women from Domestic Violence Act, 2005, The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013. These legislation deals with specific crimes and also provides punishment to the offenders. The provisions of Indian Penal Code, 1860 and Code of Criminal Procedure, 1973 also deal with crime against women.

Under the Indian Penal Code, Section 354 of the IPC deals with outraging the modesty of the woman, Section 304B of IPC deals with cases of dowry death, Section 498A deals with cruelty by husband and relatives and prescribes punishment for the same. There are various other provisions as well which deal with different crimes committed against females. These provisions have equipped the judiciary with punishing those who attempt to attack the females and this ensure that the women of the country can be in a position to ask for justice and raise a voice against these activities and crimes.

We have ample laws to punish the culprits but what the time now requires is more preventive and deterrent laws instead of just reformative laws. The objective of the law should be to prevent these crimes from happening and not just punishing the instances of grave violations. Also, more steps should be implemented by the government to assure the restitution of the life of the victim and providing adequate compensation to victims of horrific crimes like acid attack.



One of the most common crime that is committed against women is rape. Rape is a violation with violence of the private parts of a woman, an outrage by all means.¹ Rape not only harms a person physically but also psychologically. The infamous Delhi Gang Rape case brought a roar throughout the nation about the lack of effectiveness of rape laws in India. In reaction to this the Criminal Law Amendment Act of 2013 was passed which brought major changes under Section 375 and 376 of the Indian Penal Code, 1860. However, there is still a problem with the rape laws.

Exception 2 of Section 375 states, "sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape." Even though the 172 Law Commission in its report submitted that this exception should be removed, the same has not been done till date.

One huge problem with this exception was that if the wife was above the age of fifteen years that was also not considered rape. One week after the Hon'ble Supreme Court passed the landmark 'Right to Privacy Judgment', a petition was filed before the Court to criminalize marital rape on minor and remove this exception.¹

The Hon'ble Court which has previously protected the rights of women and brought reforms in unfair legislations and given memorable judgments in Shah Bano Case, ShayaraBano Case, once again passed a landmark judgment on 11 October, 2017 and updated the section. Hon'ble Justice Lokur has said in the judgment that ***"we are left with absolutely no other option but to harmonize the system of laws relating to children and require Exception 2 to***

Section 375 of the IPC to now be meaningfully read as: "Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape." It is only through this reading that the intent of social justice to the married girl child and the constitutional vision of the framers of our Constitution can be preserved and protected.¹

Even though this judgment has brought a sigh of relief but the adult wives are still in danger. This provision legitimizes marital rape, in a country where most of the population is forced into marriage, the existence of this provision sends a shiver down spine because of the consequences it can have. Rape is rape whether the parties are married or not. It also raises an alarming issue that if marital rape continues to be legalized then instances of where the girl is forced to marry her rapist might also increase and this might lead to a very hard and disrupted life of the female. This exception is forcing many women to stay in abusive marriages and preventing them to take necessary actions to get justice.

It is not just the laws which are sometimes failing the victims of these heinous crimes but also the society. The victims of these crimes, especially of sexual assaults and other forms of sex crimes are often blamed for the ordeal. It creates more psychological fear in the mind of a person who is already trying to recover from the trauma. Majority of the cases are still unreported as a result. This prevents many victims from getting justice.

The importance of women in society cannot be emphasized enough. Women play a very



vital role in all spheres of life but still time and again they have to struggle to prove their worth. It is the need of the hour to remove the concept of sexism, sex differences and bring an end to sexual discrimination in society. Women need to be empowered. This empowerment of women can be done by obtaining greater political participation of women, increasing female literacy level and by generating better income schemes for women.

The government takes various measures like conducting legal aid camps to end violent crimes against women but the society also needs to cooperate and let the females rise. Victimization of women, stigmatization, objectification, victim blaming and shaming all needs to be done away with. Women need to be seen as equals of men because they are.

It is high time that we as individuals take actions to protect our female friends, co-workers, family members and give them the courage to pursue their dreams and fight for their rights. It is time to overcome the societal barriers and break age old norms. It is time now that women also walk at par with men in the society.

“Because you are women, people will force their thinking on you, their boundaries on you. They will tell you how to dress, how to behave, who you can meet and where you can go. Don't live in the shadows of people's judgment. Make your own choices in the light of your own wisdom.”

--- Amitabh Bachchan
