

WOMEN EMPOWERMENT: DISCRIMINATION, VIOLENCE AND HARASSMENT AGAINST WOMEN

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ABSTRACT

“The role of women in the development of the society is of utmost importance. In fact, it is the only thing that determines whether a society is strong and harmonious, or otherwise. Women are the backbone of the society” rightly said by Pandit Ravi Shankar. Firstly the researcher will lay emphasis on what actually is Women Empowerment? In simple words women empowerment means, creating such an environment in which a woman is having a choice of making independent decisions for her personal development in the society. Secondly, emphasis would be put on measures to reduce discrimination against women, in the present society and particularly in a country like India, women are discriminated though the Constitution of India pledges to secure all its citizens under Article 14 which is a Fundamental Right, talks about Right to Equality, but in reality the women are not given any status of equality whether it is related to any kind of job, education or maybe anything. This shows the amount of discrimination against women in our country. Also there are certain International Conventions such as CEDAW, 1979 which talks about the women empowerment. The demand for Women Empowerment has come to be so vital in the present globe that in July 2010 the UN has crafted UN Women, an Entity for Gender Fairness and the Empowerment of Women.

Thirdly, the research paper will discuss about the numerous Sexual harassment cases which are taking place against women and recently in favour to this Sexual Harassment of Women at Workplace Act, 2013 came into force which ensures women to be protected against sexual

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harassment at work place and this will also help them in realising their right of gender equality. Further the Supreme Court commented in one of the cases that “*Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right*”. Fourthly, a secondary data methodology will be used in which I will be collecting all the data and statistics from the established news, magazine reports, journals, internet and libraries around India. Lastly critical analysis and suggestions will be presented by the researcher on how these acts of discrimination and harassment against women can be curbed.

INTRODUCTION

The condition of women of this country is, unhappily, very different from that of women of England and France. They are married while still children they are often neglected for other wives while still young. They share the attention of the husband with several rivals. To make laws for punishment the inconstancy of the wife, while the law admits the privilege of the husband to fill his zenith with woman is a course which we are used reluctant to adapt. We are not so visionary as to think of attacking, by law, an evil so deeply rooted in the manner of the people of India as polygamy. Women plays many different roles in an individual's life starting from caring mother to a lovely wife and loving sister which shows us that she has an important role to play in everyone's life. But sadly women don't have the same status as men or we can say that they are seen inferior to men in every aspect of life but on the other hand women are much more ahead in the present world and they give men equal competition in all fields. But the case in India is different, in early times women were not allowed to go to schools to study, they stayed at their homes to help their mothers in housekeeping as a result they were neglected from the very instance. Also at a very tender age they got married and had children yet they had to once more sacrifice their happiness for their family. In the present scenario dowry system is prevailing in our country which is a curse for a girl's family as have to many financial difficulties and as a result lot of female child deaths are reported which clearly shows that there is a huge inferiority complex for women in our society.

CHAPTER I: WOMEN EMPOWERMENT

In the precise start of development, women appreciated a respectable position in the public eye. They eagerly partook in social, religious issues and also in warfare. The social, religious services were viewed as inadequate unless women partook in them.

Steadily throughout the course of social improvement the women were not treated at standard with the men from numerous points of view. It has been for a really long time they are kept underneath men and are under appraised against men. They were not even permitted to possess property or even a have experience their guardians property. They had an extremely detached life with no flexibility to pick their work or have voting rights et cetera. They were only intended to sit tight at home and perform all the provincial work although the men should do the gaining part and outside work. Appreciatively we are out from dim days of abuse of women with our moms and sisters living uninhibitedly and settling on their own choices in life. Yet there is still the need for solid development to battle for the privileges of the women and verifying that they are managed at standard with the men in the social order. We have to begin a development which focuses and underlines on development for the Empowerment of Women. The strengthening of women has turned into a standout amongst the most vital concerns of the 21st century at the national and worldwide level. Alongside the endeavours of Government, social order need to and has been assuming a significant part in this methodology. They both can make an environment where sex separation gets unimaginable and women get full chances of decision toward oneself making. As it has been said in our Vedic Verse which is interpreted as-"Wherever Women is Respected, God lives there".

The errand is not excessively troublesome to attain. The genuineness and earnestness from those included is an unquestionable requirement. Assuming that the heaps of women change, doubtlessly it will have a positive effect on social order. Consequently, the women' strengthening is the need of great importance to upgrade the socio-investment advancement of a nation

1.1 NEED FOR WOMEN EMPOWERMENT:

We are highly proud to have our President as a woman, heading the IMF (International Monetary Fund), Leader of Opposition in Lok Sabha, Prime Minister, Lok Sabha Speaker and many top management posts in the Corporate Sector such as Ms Chandra Kochar. The boundaries has been curtailed for the freedom of women but the fact remains that we still witness dowry deaths,

domestic violence and exploitation of women in India as well as around the world. The female Foeticide is not an uncommon phenomenon.

As per the 2011 census the total population of India is 1,21,01,93,422 where the number of males 62, 37, 24,248 and women at 58, 64, 69,174.¹ In India the male female ratio has bettered in the due course but still it counts at 940 women per 1000 men in some states with maximum states has as much lower as 877. These are the states where exploitation and female foeticide has been maximum. The female literacy rate is also 20% lower than that of men in some states and maximum states the stats shows a gap of 30% in the rate of literacy. The statistics are much worse in the African Nations and not so much developed countries around the world.



¹ State wise sex ratio : Kerela – 1084
Ponducherry – 1038
Tamil Nadu – 995
Andhra Pradesh – 992
Chhattisgarh – 991

Union territory sex ratio:
Daman & Diu – 618
Chandigarh – 818
Dadra & Nagar Haveli – 775

² Data Source – Census of India 2012

Far and wide women are commoditized, appeared and are subjected to a lot of people sick compassionate activities of misuse and separation. In India, woman having a place with countries ranges and from the denied divisions of social order face hardship, degradation and abuse. The reservation conceded to women after 73rd and 74th Constitution corrections in Panchayats, the male Chauvinism limits them to capacity freely.

CHAPTER II: DISCRIMINATION AGAINST WOMEN

The United Nations Women's Treaty was actualized a couple of decades prior should give women a right to tune in their countries political and open life however that hasn't changed much. In numerous nations women are still unable to buy their own particular property, vote or even wear what they need. In Africa there is still female genital mutilation. All around Asia, the previous Soviet Union, Latin America, Africa and focal and eastern Europe trafficking is still a colossal issue. It is assessed that over 700,000 people are trafficked consistently notwithstanding the way that it is not known definitely what number of are women. The lion's shares of these women are trafficked for sexual ill-use. The most irritating is that in parts of the Middle East, "honour killings" are still bored. In Turkey, there is no protection for women being misused, there are no sanctuaries or help for women in these risky circumstances

In Saudi Arabia women are not permitted to drive. Yemeni women are a portion of the minimum enabled women on the planet. In Nepal if a lady is assaulted or struck the culprits are not rebuffed, they aren't even captured. These are all samples of amazing segregation of women all as far and wide as possible however we can discover more unpretentious cases of separation here in the United States. Despite the fact that females have higher instruction rates and works more than men in the same calling regardless they get paid less in America. There is still a twenty percent pay crevice between men and women working in the same field. There has however been advancement. The pay crevice has diminished since it was 28 pennies on the dollar in 1988 to now being 11 pennies on the dollar in 2007, yet in 19 years the main decline was 17 pennies. Assuming that we can continue shedding a light on the segregation of women all around the globe we can surely improve things.

2.1 IPC AMENDMENT

Section 354A of Indian Penal Code (IPC)³, which is newly inserted by the Criminal Law Amendment Act, 2013 defines Sexual harassment and punishment for it. The said section punishes a person if the following act is committed, **Firstly** *physical contact and advances involving unwelcome and explicit sexual Overtures*. **Secondly**, *a demand or request for sexual favours*. **Thirdly**, *showing pornography against the will of a woman* and **lastly** *making sexually coloured remarks* shall be guilty of the offence of sexual harassment. So the new section has been added by the amendment so that the crime rate against the women can be reduced to certain extent but at the present instance no such improvement can be seen. We can take the two recent famous examples in which high profile people were involved. First to the list is Justice A.K. Ganguly, who was alleged of sexual assault by a female intern. The matter went to such serious note that Ganguly had to resign from the post of Chairman of West Bengal Human Rights Commission. The female intern posted on certain blogs how she was assaulted by the retired Supreme Court Judge. Ganguly⁴ was one of the judges who took Indian Judiciary to new heights by making judgements on various serious cases. But such an act which was performed by him tarnished his whole image.

On the list second and the latest is Tarun Tejpal the chief editor of a magazine, who was alleged by a female employee of sexually assaulting her. The female in her statement mentioned that Tejpal use to forcefully indulge into certain activities with her which she won't agree to. As a result after getting some courage she filed a complained against him and as a result he was arrested. The third case is of the Spiritual Guru Asaram Bapu whose devotee alleged of sexual assault and later many more cases were reported of harassment by the spiritual leader. These three incidents shows that women are not at all safe in our society which is a shame for the whole country where the Goddesses are prayed and women are kept above all in a family. These incidents have been a grave danger to the constitution and to the democracy of the country. The new amendments have also been made so that women are given more rights which can protect them. But on the other hand it seems that the applicability of the new amendments is not being

³ SK Sarvaria, Indian Penal Code (10th ed.), Ra Nelsons

⁴ J. Venkatesan, "Law Intern name Justice Ganguly", The Hindu, Natonal, 2013, Nov 30.

applied as no such justice is being provided to women.⁵ There has been no reduction in number of cases against women be it rape, assault, outrage her modesty or be it anything. Many cases go unregistered from the remote parts of the country where there is no awareness regarding the safety of woman. The government has to take certain necessary steps before it becomes too late to take an action. In our country every day we can see in the newspaper that there are at least ten to fifteen rape cases all over India. Even the foreign tourism is affected due to it as many cases have turned regarding their harassment and rape.

Today the women cannot even walk on the road safely as she knows she can be easily a victim of rape or any such incident. Same is the case at work places where women are exploited by their bosses and the poor women has no option but to obey her boss or superior's order otherwise they have to face certain consequences. In certain cases the female is threatened to such an extent that she cannot even share with colleagues.

2.2 THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was embraced in 1979 by the UN General Assembly. This assembly is regularly depicted as the worldwide bill of rights for ladies. The term victimization ladies has been depicted by the gathering as "any refinement, rejection or limitation made on the foundation of sex which has the impact or reason for weakening the distinguishment, happiness or practice by woman regardless of their conjugal status, on a support of fairness of men and ladies, of human rights and key opportunities in the political, budgetary, social, social, common or whatever available field".⁶

The conceptive privileges of the woman has been asserted by this assembly alongside ladies' rights to secure, change or hold the nationality of the ladies and additionally the nationality of their youngsters. It additionally focuses on the society and custom since they are persuasive strengths which shape the sexual orientation parts alongside the family relations. The States

⁵BhAGYA Prakash, "Tarun Tejpal charged with sexual assault, The Hindu, BusinessLine, 2014, Feb 17.

⁶ UN Women, "CEDAW Convention" available at <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>. Accessed on March 6th 2014.

additionally consent to take proper measure to spare ladies from trafficking and all different manifestations of misuse. The assembly likewise gives a base to acknowledge fairness of sexes. The nations that have approved to this assembly are legitimately bound to put its procurements into practice.⁷

Emulating a portion of the measures that the States are certain to take after:

- Incorporation of the rule of uniformity of men and ladies, nullification of unfair laws and appropriation of the fitting laws.
- Establishment of tribunals and other open establishments to guarantee successful assurance to ladies against segregation.
- Ensure end of all demonstrations which separates ladies by individual, association and endeavour.

CHAPTER III: VIOLENCE AGAINST WOMEN

The procedure of women strengthening in India has had a long and rich history. Women have confronted a ton of tests throughout the medieval time however this was changed extra minutes by overwhelming battles from reformers and exercises, which prompt the advancement of equivalent rights and decrease of savagery against women in India. It is said that the position of women in a social order is the social order's list of social and profound fulfilment. Today, women battle to seek after respectable vocations and work to get by like their male partners. On the other hand, women still have challenges that have prompted the development of various women strengthening aggregations to battle social treacheries that repress women success. These fights primarily keep tabs on battling lack of education, sexual provocation and so forth of late, there has been a more centered viciousness against women fight pointed at instructing women to know all the more about their rights.

The women associations in India today are not free executors or independent; they inherited a specific region or field and its going with social connection then direct it and inside it. Women in

⁷ UN Women, "CEDAW Convention" available at <http://www.un.org/womenwatch/daw/cedaw/> Accessed on March 10th 2014

India have held a percentage of the top occupations in the area including that of presidency. As stated by a report by Thomas Reuters, India is positioned fourth around the most risky nations for women around the G20. This is the motivation behind why roughness against women in India is turning into one of the legislature's real objectives⁸.

In context to women in modern India, they completely participate in all regions like instruction, legislative issues, science and innovation and a lot of people more. The savagery against them is diminishing and more women are starting to understand their rights in the social order. In short, it is no more a man's reality. The Indian constitution ensures all Indian women equity with no segregation by the state. It stipulates square with chances and equivalent pay for work. The law denies social practices, which are disparaging to the status of the female figure by guaranteeing a sympathetic environment for work and maternity help.

3.1 CRIME AGAINST WOMEN IN INDIA:

The crimes against women fly directly against orchestrating women empowerment in India. A report on the crimes against women by the *National Crime Records Bureau* comes up with some alarming statistics⁹:-

Sr. No.	Crime Head	Year 2006	Year 2007	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	Percentage Variation in 2012 over 2011

⁸ Women Empowerment in India” available at <http://www.womenempowermentinindia.com/> Accessed on 20th March2014

⁹ National Crime Record Bureau, “ Crime Against Women in India”, available at <http://ncrb.nic.in/cii2010/cii-2010/Chapter%205.pdf> Accessed on 5th April2014.

Sr. No.	Crime Head	Year 2006	Year 2007	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	Percentage Variation in 2012 over 2011
1	Rape (Sec. 376 IPC)	19,348	20,737	21,467	21,397	22,172	24,206	24,923	3.0
2	Kidnapping & Abduction (Sec. 363 to 373 IPC)	17,414	20,416	22,939	25,741	29,795	35,565	38,262	7.6
3	Dowry Death (Sec 302/304 IPC)	7,618	8,093	8,172	8,383	8,391	8,618	8,233	-4.5
4	Torture (Sec. 498-A IPC)	63,128	75,930	81,344	89,546	94,041	99,135	1,06,527	7.5
5	Molestation (Sec. 354 IPC)	36,617	38,734	40,413	38,711	40,613	42,968	45,351	5.5
6	Sexual Harassment (Sec. 509 IPC)	9,966	10,950	12,214	11,009	9,961	8,570	9,173	7.0
7	Importation of	67	61	67	48	36	80	59	-26.3

Sr. No.	Crime Head	Year 2006	Year 2007	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	Percentage Variation in 2012 over 2011
	Girls (Sec. 366-B IPC)								
8	Sati Prevention Act, 1987	0	0	1	0	0	1	0	-100.0
9	Immoral Traffic (Prevention) Act, 1956	4,541	3,568	2,659	2,474	2,499	2,435	2,563	5.3
10	Indecent Representation of Women (Prohibition) Act, 1986	1,562	1,200	1,025	845	895	453	141	-68.9
11	Dowry Prohibition Act, 1961	4,504	5,623	5,555	5,650	5,182	6,619	9,038	36.5
	Total	1,64,765	1,85,312	1,95,856	2,03,804	2,13,585	2,28,650	2,44,270	6.8

CHAPTER IV: HARASSMENT AGAINST WOMEN

“Sexual harassment cases usually have a marked power imbalance between the victim and the accused; this may well affect the negotiation scenario, with the victim being unable to hold her own”¹⁰

The Sexual Harassment Act has been established with the goal of giving women insurance against sexual provocation at the working environment and for the anticipation and redressal of grumblings of sexual provocation. Sexual badgering is acknowledged as a violation of the basic right of a lady to correspondence as ensured under Articles 14 and 15 of the Constitution of India ("Constitution") and her entitlement to life and to live with pride according to Article 21 of the Constitution. It has likewise been acknowledged as a violation of a right to practice or to complete any occupation, exchange on the other hand business under Article 19(1) (g) of the Constitution, which incorporates a right to a nature free from provocation. Recognizing that India has a various set of religions, societies, standings, dialects, and so on the government likewise needs to begin keeping tabs on giving insurance to a portion of alternate types of badgering, which is equitably normal in a few of the created nations. We trust that dissimilar to a portion of alternate laws, the Sexual Harassment Act is actualized well, which in itself might go far in ensuring the workers' investment and prosperity in India.

4.1 SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013

This Act was enacted to protect women against sexual discrimination in the workplace. It states the privileges of the working women and also serves various punishments which a person can be booked on the violation of such provisions. In the judgment of the famous case of *Vishaka v. State of Rajasthan*¹¹ the guidelines for sexual harassment of women at work place were set. The guidelines and norms are to be strictly followed in all work places for the preservation and enforcement of the rights of the working women and also to protect them from sexual harassment. The guidelines set by the Supreme Court in this case are as follows:

¹⁰ SRIRAM PANCHU, "Protecting Women at Workplaces", The Hindu, 2013, Dec21.

¹¹ *Vishaka vs. State of Rajasthan*, A.I.R. 1997 SC 3011

- Working with full dignity is the working right of every women.
- Safe working environment is fundamental right of a working woman.
- Gender equality includes protection from sexual harassment.
- The right to work with dignity as per our constitution.

These rules are tying and enforceable in law. The Supreme Court has unmitigated held that sexual incitement realizes violation of key benefits of value of sexes, of right life and opportunity, and of the right to practice any calling or to shoulder on any trade or business. Safe working environment is positively crucial to practice the key perfect for practice in any calling. The violation of any of the previously stated tenets ought to welcome police grievance against the person who has harmed such right of a woman. The Supreme Court took upon itself, to characterize effective measures to check the pernicious of sexual bullying of working women whatsoever work situations the substance of widespread social events and norms that are basic with the final objective of interpretation of Articles 14, 15, 19(1) (g) and 21 of the Constitution and the shields against sexual incitement and also for the meaning of principles to fulfil this reason in the instance of Apparel Export Promotion Council v. A.k. Chopra the Court expressed that case including charge of sexual badgering or endeavor to sexually attack, it is obliged to analyze the more extensive probabilities of the case and not get influenced by immaterial inconsistencies or restricted details or lexicon significance of the articulation attack. They must look at the whole material to focus the validity of the grumbling. Such cases are obliged to be managed incredible affectability. The court additionally state in the case that thoughtful view in such cases in the support of prevalent officer should be wholly lost and leniency on such grounds has no significance.

4.2 SEXUAL HARASSMENT OF WOMEN AT WORKPLACE IN PAKISTAN AND THE LAW:

The legal definition of the term “sexual harassment” is unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment”. It is a form of sexual discrimination that occurs in the workplace.

To protect the women of Pakistan against such harassment at the workplace, the Government of Pakistan has implemented the “Protection against Harassment of Women at the Workplace Act, 2010”. In every organization an internal committee has been formed which shall keep a check on

prevention of such harassment. The committee immediately addresses the complaints of sexual harassment as per the Act as soon as received. The employees shall be informed and educated to make them aware of such provisions along with encouraging a professional and dignified working environment for the women.¹² The provision also provides some code of conduct for the employees which includes maintaining the official decorum, using civilized and simple words which do not hold dual meaning, proper dress, extra work hours and duties on holidays are accepted only after the approval of the concerned head and the lady officials are so encouraged to file complaints on any such case. Under the Act staring is also a menace which should be avoided. As a nutshell, Pakistan and its law have come up a long way to protect the women of their nation at the workplace.

CHAPTER V: CONCLUSION

Women in India are as of now confronting deterrents because of a male commanded society regardless of endeavours made by distinctive associations to invert the standard. Be that as it may, they are continuously getting engaged in zones like training, legislative issues, proficient and possible in their family units. It is concurred that women need to add more power to equivalent their male partners in this contemporary world. The worth of social advancement and development might be wholly mediated by the part of women in a social order. The outcome has been uproarious with expanded reports demonstrating the young lady kid contending enthusiastically in scholastics and different territories. It implies that the young lady tyke is presently sure and can get well-paying employments as their male partners. This improvement is a complete inversion of how the circumstances were in the past days.

On the other hand there are latest reports on violation of women rights in India which shows that violence against women in India is on the ascent. Regardless of the fantastic social progressions attained by the nation, the young lady needs to remain bold and vigilant to overcome sexual debasement. A late study by the India's' Ministry of National Crime Record Bureau reasoned that a lady is attacked at regular intervals and assaulted in every 34 minutes in India. In any case, the

¹²Pakistan Council for Science & Technology, "Protection Against Harassment", available at http://www.pcst.org.pk/wst/wst_pahw.php. Accessed on 25th March 2014.

single however all the more stressing issue that keeps on thrilling in India is the negative sexual consideration connected to the Indian Women. Women are bothered, stalked, assaulted and trafficked for sexual unethical behaviour. Besides, the offensive practice of female feticide and child murder, where in excess of 10 million newborn children have been slaughtered in the most recent two decades. It is presently the obligation of law implementing figures to deflect wrongdoing against women.

