

# VIOLENCE AGAINST WOMEN AND CHALLENGES DURING PANDEMIC

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## ABSTRACT

Women are generally considered equal partners in running the day-to-day family affairs. Her role is not restricted only to family affairs; she shares all domains, and there is no single place where one can deny her presence. Despite having such significant roles and responsibilities in the family and the society, they always remain the subject of discrimination from the day they are born marginalized, mistreated, unequally paid, sexually harassed, and victims of ill-treatment. According to a global study conducted by Thomson Reuters, India is considered one of "the most dangerous countries" regarding essential requisites for protecting their fundamental rights. This article mainly focuses on the changing position of women in Indian society from the ancient era to the current scenario at the point of time when a pandemic caused a societal upheaval. Even today, after breaking the chain of the slave mentality of hundreds of years, women are still struggling for freedom from those who control and regulate the economic, social & cultural environment without giving credit to them. Whether she holds a good position in politics, the judicial system, the corporate world, or working a daily household, are still marginalized, mistreated, unequally paid, sexually harassed, and a victim of ill-treatment. This paper further emphasizes the key factors which are holding women back. At the same time, give special emphasis on the situation of women during lockdown caused by the Covid-19 Pandemic and how cases of domestic violence, unemployment, and unpaid labor have increased during this time.

**KEYWORDS-** Holding Back, Discrimination, Gender Inequality, Lockdown, Covid 19.

## I. INTRODUCTION

"Women and girls are approximately 49.58 % of the world's population as per the 2021 gender ratio data by UN (World Population Prospects 2019)". Despite being part of the gender majority, their contributions, problems, demands, experiences, and voices are overlooked in society. They are underrepresented in political and economic power and victims of domestic violence, sexual harassment, digital abuse, discriminatory treatment, verbal abuse, physical abuse, backwardness, unawareness, illiteracy, and unemployment. From their birth, they become the victims of these evil practices. Through this, their status gets undermined, but it further affects their physical and psychological health conditions, which causes a barrier to accessing education, information, job, and healthcare services and blocks the progress of women. Gender inequality and discrimination start rising in society when the socio-economic and political sphere begins to change. But the saddest part is for many years, in most cases, women didn't even recognize their status as they were marginalized and deprived. In countries like India, women in rural and suburban areas still don't know anything about gender equality; by default, they still regard it as their obligation to follow men in the family ahead and are duty-bound to care for households and children. After getting improper treatment for many years, women have lost their ability to ask logical questions, be practical, and participate in debates and discussions. They blindly follow such customs in the name of tradition, prayer, and worship. This is how our society moves and follows a patriarchal structure in society. To better understand this patriarchal structure of society that is dominating and keeping women marginalized, one should analyze the condition of women.

## II. POSITION OF WOMEN FROM THE ANCIENT PERIOD TO MODERN PERIOD

The status of women during the ancient period was relatively good. They were in the habit of making vital decisions and were also allowed to marry according to their choice. (Uniyal & Bahuguna, 2020) Women were respectable like Devi and were allowed to take and impart education. Vedas, which was a matter of honor for anyone. The sketch of Draupadi from Mahabharata and Sita from Ramayana is an excellent example of women's empowerment in that period. The position of women during the Medieval period started getting deteriorated when Sati Pratha came into face, and child Marriage was also prevalent practice in the society. Due to the Conquest by Muslims, the purdah system also came. Jauhar amongst Rajputs was also practiced. Remarriage restrictions

for widows and the purdah system were prevalent during that period. Some good ones can also observe women rulers like Razia Sultan and in the south Rudramma Devi

Before Independence, the sati pratha got abolished due to Raja Ram Mohan Roy's effort. Widow Remarriage Act, 1856, child marriage: the age of consent act, 1891 was enacted by British India in all the jurisdictions and prescribed the age limit of marriage not below 12; if done, then it is a violation of the Act, and the person is subject to the charges of rape. One can analyze the contribution of women to freedom of struggle. Women's Political rights were also demanded and supported by Indian National Congress. In 1917, they sought the political right of women by meeting with the Secretary of the State and the Indian national congress held the meeting. In 1927, to bring equality, a conference was done, the All India women's conference. In 1929, to prohibit child marriage, the Child Marriage Restraint Act 1929 prescribed the age of marriage for girls be 14 years. After Independence, our Constitution came, which entitled women to participate in various political and educational fields. The Constitution of India provides special protection to women's status of equality and prohibits discrimination and equal pay for equal work under articles 15(3), 14, 16, and 39(d), respectively. In spite of the mandate of the Constitution, a number of modern legislation which protects women are still not satisfactory as gender inequality, gender bias, reproductive health issues, and labor problems persistently in the society, which is further aggravated by

- **Sexual harassment in the workplace**

By facing sexual harassment at the workplace, the women face both physical and mental trauma, which leads them to a vulnerable state and subsequently compels them to leave their job.

- **Gender Bias**

This is a serious problem in India and other countries, which affects women both physically and physiologically.

In some cases, it has been observed that both men and women receive different treatment in terms of wages for similar work.

- **Dowry**

In this, the girl's family pays a large sum to the groom's family for their daughter's marriage; this problem is deeply rooted in some parts like Bihar, Uttar Pradesh, and Jharkhand.

The dowry prohibition Act of 1961 prohibited activities like taking the amount from a girl's parent to solemnize the marriage, to protect married girls from torture, and for want of dowry. But still, this custom is prevalent in other forms.

- **Acid attack**

In India, the acid attack is mainly a gender-centric crime. In most cases, it has been committed against girls in case of dowry demand or case of marriage, or in case of refusal of acceptance of relation.

- **Domestic violence**

This problem is not only faced by women in India but also faced by women across the world. As per the Report of the former union minister for Women and child development, around 70% of women in India are victims of domestic violence.

Domestic violence can be done to physical injury, emotional abuse, and sexual assault. (Jha, 2014)

### III. STATUS OF WOMEN IN 21<sup>st</sup> CENTURY

As per the Global Gender Gap Report 2021, by the World Economic Forum, India came up at 140<sup>th</sup> place out of 156 countries in terms of women's safety, security, and health. India has dropped to 28<sup>th</sup> place since its 2020 rank, making India the third-worst performer in South Asia as Afghanistan and Pakistan is below India. As per the Global Gender Gap Report 2021, by the World Economic Forum, India has closed 62.5% of its gender gap. "In 2021 report most declines occurred on the political empowerment sub-index -India regressed 13.5 percentage points due to significant decline in numbers of women minister from 23.1% in 2019 to 9.1% in 2021" India's gender discrimination in commercial life and opportunity sub-index spread by 3% in 2021.

This has been caused by a decrease in the female labor compulsion involvement rate; it fell from 24.8% to 22.3%. The position of women inexperienced and practical jobs dropped further to 29.2%. Women hold only 14.6% of the position at senior and managerial levels. There are only 8.9% of firms with top female managers. The appropriate net income is only one-fifth for women in comparison to the income of men. This places India in the bottom ten globally on this index. India has expanded its gender discrimination that increased from 62.5% to nearly 66.8% one year ago.

India has also performed well in the educational attainment sub-index, "96.2% of the educational attainment gap has been closed (above world average). Parity has been achieved in primary, secondary, and tertiary education. However, gender gaps persist in terms of literacy; one-third of women are illiterate (34.2%) compared to 17.6% of men."

#### Key Findings from the Gender Gap Index

The global gender gap index is prepared by the World Economic Forum every year; it considers gender-based gaps in four areas: -

- 1) Economic participation and opportunity
- 2) Educational attainment
- 3) Health and survival
- 4) Political empowerment

In the global gender gap report 2021, published by World Economic Forum, the country which holds the first position for consequently 12<sup>th</sup> time is Iceland. The remarkable thing is that the country is a gender uniform country in the world. The leading five countries in this Report are Iceland, Finland, Norway, New Zealand, and Sweden. "As a consequence of the covid-19 Pandemic

impact, it shows that women will take 136 years average to reach the range factor of men worldwide". As per the global gender report 2021, 99.5 years estimated in 2020 report. Therefore one year of Pandemic cost 36 years more to close the gender gap.

- As per the global gender report 2021, the global rating shows that the world has made progress, including the gender gap in the health and survival sphere, followed by the educational attainment sphere.
- Political empowerment of women has been the worst in the last year.
- Exclusively 22.6% of cabinet positions and approx. Women hold 26.1% of seats in parliamentary in the world; therefore, if current trends continue, then filling this political gender gap will take more than 145 years, and in comparison to the 2020 version of the Report, it will take about 95 years

#### IV. STUDY OF VIOLENCE AGAINST WOMEN

Much legislation in public and private spheres have been passed in the last two decades to improve the position of females. Despite the regulations, gender-specific violence and injustice against females are still prevalent in Indian society. These are loopholes in the legislation and delays in their application. But there is an urgent need to modify some laws and implement pre-existing laws properly so that the crime against women can be controlled, and Collaboration between the government and civil society can help accomplish this target.

According to data compiled by the National Crime Records Bureau (NCRB), Rajasthan recorded the highest number of rape cases in 2020 with 5310 such points, followed by Uttar Pradesh with a total of 2769 rape cases. Madhya Pradesh with 2339 and Maharashtra with 2061 rape cases accounted for a third and fourth number of such cases. Uttar Pradesh had the worst figures in overall crime against

The data shared by the National Commission for Women (NCW) that the cases of domestic violence are raised 2.5 fold between February 7 and May 31, 2021, with 1477 domestic violence complaints lodged. Additionally, nearly 50% of cases are related to domestic violence in April and May. From the above data; it is clear that crime against women is not getting controlled, so the government should take strict action and Amendment to criminal laws such as: -

1. Regardless of the spouse's age or the relationship between the perpetrator and the victim, marital rape should be declared a crime.
2. The consent age should be raised to 16 years old. When two young persons in consensual sexual relationships are over 16, there should be an exemption for close in age.
3. Armed troops must be punished if they commit rape during the job or while on duty.
4. There should be rehabilitation and compensation plans in place.
5. Extend the meaning of dowry. Dowry is described as possessions or valuable things given or agreed to be given by her parents in connection with the marriage, whether directly or indirectly, before or after the marriage. This should be expanded to encompass any property or valued security required even after marriage.
6. Separate legislation to address honor killing crimes.

#### Other Social Factors Affecting Women

As per the executive summary, Report on the status of women in India, by High-level Committee on the status on women, 2015 the working women in India is only 25%. Of these 25%, half of them were indulging in seeking a job. The number of women who indulge in the labor force is approx. 25.3%. But in the last decade, it was observed that there had been a steady decline in forced labor. The data show that less than 10% of Muslim women indulge in the workforce. The area-wise, the data show that the number of women who were forced labor in urban areas is only 15.5% compared to the rural area, which is 30%. As per the data of urban areas in India, the number of self-employed women is 42.8%, in regular employment is 42.8%, and 14.3% are in casual labor.

In the tertiary sector, the progress in regular employment. In urban areas, most people did the Self employment which is equivalent to informal employment; as per the executive summary, Report on the status of women in India, by High-Level committee on the status of women, 95% were people who were done informal sector jobs. In the organized sector, only 4% of total women are employed in the sector with job security and employee benefits. In regard to the public sector, which is increasing day by day by holding share, many employers are working in it, especially women who were working in this organized sector. Nevertheless, this is a negligible fraction of the country's female workforce."

Education has long been regarded as a crucial parameter for development in India. Across the country, there is a vast network of educational institutions. Despite these educational facilities, 35 percent of girls and women are uneducated, making them the world's most influential group of uneducated women and girls. An examination of entrance and withdrawal rates indicates strongly gender-specific phenomena, with girls' entrance levels reducing as their education level increases.

There are various reasons for the girl child to drop out the school, such as care of siblings, the distance from home to school, not understanding the significance of education, the necessity to work, eve-teasing, rising ferocious against women and not the availability of transportation. Gender role norms are reinforced in schools and schooling and gender-based violence are particularly prevalent. Privatization of universities, online education, and shifting subject choices of women and men are only a few of the essential inequalities in higher education. In science, there are a lot of women. If gender equality is to be achieved, it is obligatory to pay attention to the factors having an impact on gender equality. It is necessary to achieve societal transformation and gender equality for a better societal order. Gender equality in government and political participation is a precondition for gender equality

to be realized. The constitutional Amendment guaranteed a 33 percent reservation for women. In certain states, it's as high as 50%. The boundary of women's political involvement is inversely proportional to their level of political involvement: the higher the level of involvement, the fewer the number of women at the excessive levels of involvement. Men still dominate politics and political parties. The majority of women who have made an impact in politics have done it through a family link. Patriarchal nature's public-private split still regulates formal politics. Women are primarily defined with reference to private familial roles, even when crossing the borders of this split, and politics being in the 'public' realm presents significant problems to women. As a result, women are either disinterested in pursuing a career in politics or, if they are, find it impossible to do so.

## **V. CRIME RATE AGAINST WOMEN DURING PANDEMIC**

As per the World Health Organisation, 2021, data approx. 736 million women were present in the world, in which 1 out of 3, have been subjected to violence. For the adolescent in a relationship, 1 out of 4 was subject to violence, which may be physical or sexual violence from an intimate partner, in the age of 15-19, which approx. 24% of adolescents experienced this type of violence.

Globally, the female age group of 15-19 years is subjected to sexual violence from someone other than her own partner; the data shows approx. 6% of females were subjected to this. Around 15 millions adolescent girls worldwide have experienced forced sex between the age group of 15-19 years.

The Big data Analysis in 8<sup>th</sup> Asian Countries shows that during the covid lockdown, the crime against women significantly increased. The internet search regarding the violence against women, which includes physical violence meaning face covered with bruises, violent relationships, and physical abuse, increased significantly in Malaysia, which is 47%, 63% in the Philippines, and 55% in Nepal, between October 2019 to September 2020.

As per the UN women (2021), covid and violence against women, the domestic violence hotline increased in all countries, especially Malaysia, which shows a 70% rise. As per the European Union Agency for Fundamental Rights (2014), in cyber harassment, one out of 10 women in the European countries faces cyber-harassment since the age of 15. Cyber harassment means receiving offensive or unwanted messages on social media. The risk of cyber harassment is highest among young women aged 18-29 years. In the United States, 2 out of 10 young women aged 18-29 faced sexual harassment online and received unwanted or unwarranted explicit messages. In Pakistan, 40% of women have been exploited on online platforms through the internet. Women and girls have access to the internet, but they are more often exploited on online platforms than men.

As per the Global Report on trafficking in person by the United Nations office of drug and crime in 2018, most of the victim of human trafficking for the purpose of sexual exploitation is women; approx. 92% of women are subject to human trafficking.

As per the Inter-Parliamentary Union (2016), 82% of women have faced physiological violence while serving their term in parliament. The problem they faced during their tenure is like adding remarks, gestures, images of humiliating sexual nature, threats, etc. women cited that the main source of violence in this regard is the media, or more than 44% of women reported that they got the threat regarding rape, assault, abduction toward them or their family members. As per the Report of the Inter-Parliamentary Union (2016), 65% of women faced sexist remarks by their male colleagues in parliament.

As per the data of the United Nations Office of Drug and Crime (UNODC) during 2020, a number of countries reported digital violence against women due to the impact of Covid-19. Lockdowns potentially affected crime against women in two ways. Firstly, women were in the habit of spending more time with violent partners and family members; they were exposed to domestic violence. Secondly, some mentally harassed women got exposed to crimes like suicide due to isolation. According to UNODC, the number of calls increased in helpline centres during the year of the pandemic.

As per the UN Women Commission data, there are a number of women suffering from domestic violence across the world and rising calls for help. Help lines in countries like Singapore and Cyprus had increased more than 40 percent previously.

Confinement in the home gave birth to the fear of security and money worries women. In the previous year, more women and girls, across 245 million, have been regularly subjected to physical and sexual violence by their partners. Less than 10 percent of those women only take help from the police due to fear.

There are fewer laws or no laws in favor of women in many countries which specifically protect against domestic violence. According to the Asian Journal of Criminology, Indian women Aged 15 to 49 experience or tolerate almost 4% of spousal violence during pregnancy.

According to NCRB, domestic violence is the topmost violence against women in India and in other countries. Almost 1 lakh cases were registered against domestic violence by women in 2018. According to Outlook 2020 report, cruelty by a husband due to isolation in 2020 is almost one-third of domestic violence against women. It is also emphasized that Domestic violence is related to, sex of child, dowry, abortion, and multiple sex partners of husband.

Parkinson, 2019 also noted some new types of domestic violence due to the violent fantasy of husbands. Mahase in 2020 reported a 60% increase in helpline calls from women.

National Commission for Women (NCW) data provides that domestic violence complaints doubled during a pandemic. Even Tamil Nadu police reported that they had received 25 calls of domestic violence every day. The (NCW) National Commission for women identified that they had received 30865 complaints against women in 2021.

Even from March (2020) till September (2020), Uttar Pradesh reported a maximum number of crimes against women. The total number of complaints received by the Nature-Wise Report (NCW) was 23722, an increment of 19.15% in 2019. 55.03% were increased in 2020 from the 2018 report.

As per the National Commission of Women (NCW), between February 27 to May 31, 2020, domestic violence cases increase 2.5fold. Additionally, in April and May, nearly 50% of cases were received by the National Commission of Women in regard to Domestic Violence. The chairperson of NCW, said that "during the covid pandemic a helpline number is launched by NCW, which is available 24/7. Around 400calls were received daily and 10SOS calls were received a week for emergency help.

As per the NCW, the complaints regarding the crime against women reached nearly 31,000 in 2021, which is the highest since 2014, and half of the cases came out from Uttar Pradesh. Uttar Pradesh, the most populated state in the country, has the highest number of complaints regarding crime against women, which is 15,828, followed by Delhi at 3,336, Maharashtra at 1,504, Haryana at 1,460, and Bihar at 1,456 complaints.

As per the data of the National Commission of Women in 2020-2021, there is a sharp increment of the complaint filed by women which are 26,573, which is 2019-20, were 20,309, which means an increase of 25% in complaints. The complaint filed by the aggrieved women in 2019-20 in regard to cybercrime against women is 458, which is sharply increased in 2020-21, which is 797.

As per the data of the National Commission of Women, The complaint filed by the aggrieved women regarding harassment of married women/ dowry harassment is 3,963 in 2019-20, which is sharply increased in 2020-21by approximately 4,208. The complaint filed by aggrieved women in regard to domestic violence against them is 3,369 in 2019-20, which increased sharply in 2020-21 is 6,409. The complaint regarding the right to live with dignity in 2019-20 is 5,061, which increases sharply in 2020-21 is 8,688. The complaint regarding the police apathy by the aggrieved women in 2019-20 is 1,460, which increase in 2020-21 is 1,968.

As per the data of The National Commission for Women (NCW), in April, 54 complaints were received through online mode; in March, 37 complaints were received online or post; in the month of February, 21 complaints were received.

As per the report of the Akancha foundation, said that the foundation received 412 complaints of cybercrime against women from March 25 to April 25. Out of these 412 complaints, 396 complaints of cybercrime against women are serious, which indecent exposure, unsolicited obscene pictures, malicious emails claiming that their account was hacked, ransom demands, blackmails, and more. The report further said that the foundation received an average of 20-25 complaints daily, while before the lockdown, the number of complaints was less than 10 per day.

As per the report of the founder and president of the cyber peace foundation said that during the lockdown, sextortion cases have increased as people are getting connected through the technology without taking into account the component of security. The report further said that after the lockdown, the cases regarding misinformation, women getting duped online when they click on malware links from which all the personal information of that person were collected on the hacker account, turns on the camera and microphone, capture intimate moments, and these are used for blackmailing purpose.

## VI. CONCLUSION AND SUGGESTIONS

After analyzing the position of women in society, one can say that somewhere it is still a patriarchal form of society. A woman has to play many essential roles in their families, such as daughter, mother, grandmother, or any other relation she follows. During all this process, she forgets about her financial-economic Independence, as she always focuses on uplifting her family members and devotes herself to them. The crime rate is increasing against women, and during this covid pandemic, the crime against women has increased speedily, especially domestic violence or other physical torture. Today, women are fully aware of and involved in politics, the military, the economy, service, science and technology.

Furthermore, they have made a significant contribution to their sports activities. As a result of this subsequent event, they are entitled to a respectable place in the family and society. Despite these achievements, there are still numerous obstacles: biased legislation and societal evil practices persist, and females continue to be outnumbered in political participation at municipal, state, or central levels. The COVID-19 outbreak could erode the satisfactory progress in regard to the position of women as the crime rate is eventually increased, which results in the deterioration of the status of women in society. These events were counted as opposite in terms of gender equality and women's rights. To make India a developed nation or great nation, one must work together towards giving women their much-deserved status.

Following suggestions are important in this regard

- As women were subject to many ill-treatment during the covid pandemic which causes the mental stress, in order to curb the mental stress the proper treatment was available to all sections of the society,
- The cases of domestic violence should be resolved through the process of mediation so that it does not affect the mental condition of the women.
- To protect elderly women in society, separate legislation should be implemented for the speedy trial of the case so that they did not face challenges to getting justice.
- In order to improve the position of women in the workplace, the proper organization should be set up to check the functioning of the workplace, so that it curbs or eliminate the discrimination that was happening in the workplace.
- The gender gap is one of the major issues in today's scenario so the government should make proper laws in this regard.
- The awareness among the women especially in rural areas regarding their existing rights

- To strengthen the women by skill training so that they can earn money on their own.
- During the covid pandemic, cybercrime especially pornography is sharply increased so effective laws should be implemented so that all sexual materials should be censored and block all pornographic sites.

## BIBLIOGRAPHY

1. (2022, may 17). Retrieved from [www.thehindu.com](http://www.thehindu.com).
2. *25%rise in plaints from women during covid pandemic- the indian express*. (2022, may 20). Retrieved from [www.new.indianexpress.com](http://www.new.indianexpress.com).
3. <https://time.now> (womenrights). (2022, may 19).
4. <https://times.now>. (2022, may 20).
5. <https://www.business.standard.com>. (2022, may 17).
6. Jha, S. R. (2014). Women & the Curse of Domestic Violence: A Study. *International Journal of Economics & Managerial Thoughts* , 35-43.
7. kumar, D. P. (2021). Acid Attacks victim - A knotty case for the scales of justice. *Dehradun Law Review* .
8. (2022). *NCRB report show crime against women in full in 2020*, . [www.timesnownews.com](http://www.timesnownews.com).
9. research brief-what crime and helpline data say about the impact of covid-19 pandemic on reported violence against women and girls by UNPDC. (2022). *UNODC* .
10. Tyagi, N., Jha, R. S., Chaudhary, A., & Batar, S. (2021). Women in Dual Role ; A Sociological Perspective. *Elementary Education Online* , 20 (1), 1766-1772.
11. Uniyal, V., & Bahuguna, R. (2020). Social Awakening: Women Empowerment through Panchayat Raj in India. *AEGAEUM* , 8 (4), 1085-1095.
12. *WEF's gender gap index: india slips 28 places, ranking 140 among 156 countries*. (2022, may 19). Retrieved from <https://www.thehindu.com>.
13. *world sex ratioo-2021-statics times.com*. (2022, may 16). Retrieved from <https://m.staticstimes.com>>world.
14. [www.timesnownews.com](http://www.timesnownews.com). (2022, may 20).
15. [www.unwomen.org](http://www.unwomen.org). (2022, may 20). Retrieved from the shadow pandemic :violence against women during covid.