

Statement of Ravi Kant

Violence against women in India

Shakti Vahini has worked on various issues related to violence against women and children in India. It has focussed on combatting Human Trafficking, Slavery, Child Labour, Honour Killings, Female Foeticide etc. Shakti Vahini has been involved in training and sensitization of law enforcement agencies across India. It has filed Public Interest litigations in the various High Courts and Supreme Court to bring about changes in various policies related to violence against women and children. Shakti Vahini works very closely with law enforcement agencies, prosecutors, police, government agencies, statutory agencies to combat violence against women and children. In the last ten years Shakti Vahini has rescued more than 2000 victims of human trafficking from various exploitative situations.

Brutal rape and subsequent death of a 23-year old in a crowded area of Delhi, physical and mental torture of a minor housemaid by a highly qualified MNC employee, mysterious death of a tribal girl employed as a domestic help are all instances that have shocked and shook the public conscience in India and has led to massive outpouring of anger.

India being a predominantly patriarchal society has seen manifestations of violence against women in various forms. While some occur in broad daylight, some happen within the four walls of our houses nicely hidden behind the pretence of morals and traditions. While India is a country where a large section of people and almost all religions pray to “goddesses”, we have also high rates of violence against women in various forms.

In India rape cases have been hushed up and not reported due to fear and stigma. The cases which are reported are very poorly investigated and many end up in acquittals. Further, a study of court judgments in rape cases by various courts undertaken by Shakti Vahini in the last one year shows that law enforcement reaction by way of investigations into cases remains at best average and large scope for improvements. Many accused go scot free due to “hostile” witnesses and “insufficient evidence”. Miniscule rate of convictions in rape cases is a reflection of these factors.

States in Northern India where the sex ratio is below the national average¹ of 940 females per 1000 males², are areas worst hit by the consequent problems. District level data indicate increase of cases of violence against women. Experts working in the field of women’s rights observe that this decline in sex ratio has also shown itself in the growing commodification of “daughters” in the rigid communities of north India. These communities attach great importance to a woman and consider her as personification of familial honour. This may sound rosy or flattering at first brush but

¹ http://en.wikipedia.org/wiki/Indian_states_and_territories_ranking_by_sex_ratio, figures as per 2011 census.

² <http://www.mapsofindia.com/census2011/female-sex-ratio.html>

this is a heavy burden to shoulder. In the garb of saving family honour women have been subjected to ridiculous restrictions. Marriage traditionally in India has been arranged , agreed by families and within the caste. Women exercising the right to choice of marriage increasingly have become targets of strong community opinion and violence. Many community groups or community panchayats have taken adverse decisions which has led to vitiation of the situation. They also propagate beliefs which curb the independence of the individuals to make choices and lead them to resort to law enforcement for their protection. Even court protection has failed to save lives.

Scenarios which make women and girls desperate for a better life lead to almost negligible options for them adding to their insecurities and social stigma they are already being subjected to. This is in addition to the State's failure to provide timely justice to victims . The underlining point then becomes the social attitudes and inactiveness that the society adopts..

Human Trafficking In India³

Another grave form of violence and violation of rights of women and girls is trafficking which occurs for various purposes like prostitution, forced marriages, labour, adoption and organ trade. Women without adequate property rights and their enforcement under various special laws are highly dependent on their male counterparts and thus more vulnerable to trafficking. In a majority of cases where women end up in exploitative situations, they are lured with promises of marriage, better job opportunities and means of livelihood.

Trafficking in human beings, especially in women and children, has become a matter of grave concern in India. Trafficking is an organised crime which thrives on human misery. In India despite strong steps taken by the Government of India the trafficking rackets and gangs have become more organised and expanded into newer forms of trafficking. The crime has expanded in such a way that today almost every state is affected with this social and criminal menace. Though trafficking for commercial sexual exploitation continues to be an area of concern there has been lately increased trafficking of children and women for forced labour, bondage and slavery.

Trafficking for Commercial Sexual Exploitation

Trafficking for commercial sexual exploitation is on the increase. West Bengal, Andhra Pradesh, Karnataka, Maharashtra and Orissa continue to be the high source areas in India for the purpose of trafficking to the red light areas across India. The missing children/girls data in these states continue to be very high. With modernization the commercial sexual exploitation of women and children for the

³ [Current Status of Victim Service Providers and Criminal Justice Actors in India on anti human trafficking](#)- UNODC (Ravi Kant)

purpose of prostitution has undergone a change. The red light areas have continued to be prostitution dens but the business has expanded out of the red light areas and has become much more organised by providing services on demand. The operators of the sex trade have expanded their business and have started operating from residential colonies , market places , malls etc. in the garb of friendship club , escort services , massage parlours, spa , dance bars, beer bars etc. This has helped the traffickers to earn maximum money and also get access to high paying customers. They have even started advertising their services in the newspapers and internet. Deals are fixed on the phone itself and transactions happen through the internet. Such agencies have mushroomed across the country and even though there has been a lot of police action through the Anti Human Trafficking Units (AHTU) the business continues to expand.

North East India has also emerged as a high source area for trafficking of women and children. Girls from Manipur, Nagaland, Meghalaya and Mizoram have been rescued from various trafficking rackets from Goa, Maharashtra, Andhra Pradesh and Karnataka⁴. West Bengal, Andhra Pradesh and Maharashtra continued to remain high source areas for trafficking of women and children for commercial sexual exploitation.

Trafficking for Forced Labour (Domestic Help and Maids)

There has been an increasing trend of women/children being trafficked from the states of Jharkhand, Chhattisgarh, Orissa, Assam, West Bengal and Madhya Pradesh for the purpose of labour. The trafficking of children is being undertaken by illegal placement agencies. Many of these placement agencies are operating from Delhi and the NCR (National Capital Region). These placement agencies are earning huge profits by bringing in children from these states.

The modus operandi of the placement agencies is to recruit girls from far flung tribal villages by luring them with the promise of getting jobs. Once these girls reach the capital they are traded off to prospective employers who pay an advance of Rs.30000 (USD 566) to Rs.45000 (USD 849) plus Rs.10000 (USD 189) to Rs.15000 (USD 283) as placement agency charges. Once the money has been paid, the custody of the children is given to the employers. The girls have to work 10-14 hours daily without any salaries or holidays. The advance money taken by the placement agencies never reaches the family of the child. After sometime these children become bonded and they are forced to work. Many such children have reported physical and sexual abuse, torture and violence. It is only when information reaches the police about their conditions, that the rescue takes place.

Many of these placement agencies are organized crime rackets specialising in women and child trafficking. They regularly change their addresses as well as the name of the firm to escape prosecution. These agencies also have very strong network in the

⁴ <http://e-pao.net/GP.asp?src=17..030712.jul12> - accessed on 14.08.2012

source areas. They threaten the parents and prevent them from lodging complaints. Investigation have proved that these agencies have been involved in trafficking of thousands of children and are also responsible for the missing children figure in the state.

Trafficking for Forced Marriages

Due to the skewed sex ratio resulting from female foeticide there has been an increasing demand for marriageable age girls in the states of northern India including Haryana, Western Uttar Pradesh, Punjab and Rajasthan. This has led to a trend of trafficking of girls/ women from states like West Bengal, Assam, Orissa and Jharkhand. Due to backbreaking poverty families are lured to send their daughters to distant places where these women and girls are exploited and forced into various forms of exploitation including forced marriages. Once they enter this false and forced marriage they are caught in an unending mental and physical trauma. Many rescued victims have narrated their tales of horror. Displaced from their culture and social background which is vastly different from those of these states they become objects of exploitation for the men and their families who have paid a price for these so called "brides". Generally, [addressed as "paro"](#) they are not treated at par with the women of the receiving community and get cut off from all kinds of social ties. Most are untraceable or exploited or duplicated as domestic servants by the agents or men who marry/buy them.

Law Enforcement Responses:

The Government of India has been taking steps to strengthen the Law enforcement responses on crime against women and children by bringing in legislations for protection of women and children. Some of the legislations include the Juvenile Justice (Care and Protection of Children) Act 2000, Protection of Women from Domestic Violence Act 2005, Protection of Children from Sexual Offences Act 2012, Sexual harassment at Work Place Act 2013.

After the massive protest which happened after the unfortunate Delhi Gang Rape in December the police across the country have notified various procedures to be followed by law enforcement in investigation, evidence collection, medical examination and trauma support to victims. The Criminal Amendment Act 2013 has strengthened the law on rape and has also brought in new provisions related to stalking, voyeurism and acid attacks.

The Government of India has ratified the UN Protocol on Trafficking in 2012, thus acknowledging the organised nature of this crime. In 2013 the Government of India amended Section 370 of the Indian Penal Code by defining human trafficking and bringing in very strict punishment for human trafficking.

The Government has brought various schemes like the Integrated Child Protection Schemes , Anti Human Trafficking Units , Ujjwala Scheme for rehabilitation of trafficked victims, Victim Compensation scheme etc. which are really having an impact on combatting violence against women and children. Also the Government of India has created fast track court for trials related to sexual offences. Training and sensitization of law enforcement agencies has been taken up by the various Police Training academies and the Bureau of Police Research and Development (BPRD).

The way forward:

In order to have an effect of the new legislations we have to undertake massive training and sensitization programmes for the law enforcement agencies on implementation of legislations related to violence against women. We also have to change the mindsets of our law enforcement agencies including police , prosecutors and lower judiciary which is very important so that they understand the sensitivities involved in issues related to violence against women. This is very important as almost 80% of our police stations are spread across rural areas away from the glare of media and social organizations. There is an urgent need of reviewing the course curriculum of our law enforcement agencies so that the issues related to violence against women can be prioritised and become part of their training.

Each and every crime as well as all the efforts to combat it has to come from within the society and calls for a rapid change in the perception, mentality and the general conscience of the public and the State. Though the national media and the vernacular media has been highlighting the crimes of violence against women the government needs to find out ways we can bring in greater awareness and sensitivities on issues related to violence against women among the masses.