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VIOLENCE AGAINST ADOLESCENT GIRLS AT EDUCATIONAL INSTITUTIONS

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ABSTRACT

In my research, readers will examine prevailing violence almost every girl face at an educational institution. There are numerous offences committed either by male students or teachers consisting of bullying, blackmailing, corporal punishments, sexual abuse etc. The mirror reflects same picture of other South Asian countries too. United Nations deduced and showed concern regarding violence confronted globally regarding females and laid objectives and declarations to entrust and preserve women dignity. My research portrays origination, forms of violence and their ramification. There are seldom rights acknowledged by the Constitution of India and punishments are integrated under the Indian Penal Code, 1860 and the Code of Criminal Procedure succeeded by the POCSO act. There a many governmental and non-governmental policies circumscribed to facilitate survivors and aims at achieving their right. Beside this certain principles need to be undertaken in order to curb the campus violence which is covered below. The bottom line is no development is possible by disrespecting females and a secured surrounding to be built to eliminate gender-based violence.

INTRODUCTION

Education lays foundation stone for the formation of our society. It is a way to self-empowerment which promotes to realize self-potential and qualities as a human. A fundamental human right endorsed by the Constitution of India for the exercise of other human rights and for uplifting the marginalized section. A right to education irrespective of any discrimination whether sex, caste, creed, religion, etc. is inherited by every child since birth.² But this scenario is not less than narrating a story. Women's education was never sanctioned, or more appropriate a mere burden. A sight of rural area in this 21st century speaks it all, where still women are treated as an object, a stereotype ethos restricting women in a ribcage. India incorporating patriarchal ideology, think they are equipped with the right of exploitation and showcasing

¹ B.A.LL.B. (Hons.), Amity Law School, Noida

² Dr. J N Pandey, The Constitutional law of India (Central Law Agency) (2017)

masculinity towards women. Female who are considered to be weak, face brutality and fails to raise their voice as they are unaware of the rights they behold. Due to modernization and liberalization, the transition can be featured and women do stand with head up and make a contribution in development of the country. A female whether a flesh blood, adolescent, women or old needs to be considered as a productive member and is bestowed with equal authority and responsibilities of being a citizen. But do you think are women safe in society, a girl heading to school or college is safe? Is a place holding purity like a temple secured for your girl?

The answer to above contention is a big NO. Violence against girls at educational institutions is alarming and draws serious attention. All together sad reality is that educational places are not truly child-friendly. There is no particular face of violence; it may be a teacher, worker or classmate. A new unveil face is a female committing offence against another female. It incorporates physical, psychological and sexual offences which may arise out of gender, ethnicity, culture, disability, malice intension, etc.³ Because of such unpleasant memories of childhood, female needs to suffer health traumas, ill health lifelong and get haunted. This provokes them to hide within four walls and end their life because they fail to face crowd. Thanks to our society who can't pull them in sunlight instead do character assassination and drown more in darkness. A full stop needs to be imposed on evils to promote more of the education for self-growth and lead a pathway for the country's progress.

Talking about recent trends where the whole world is suffering from the pandemic and all educational institutes are shut down due to health protection. So students, these days are managing studies through online mode but are they safe operating them. It is mandated that violence can only be done within school or college premises. Saying "yes" would be an absolute denial to the reality. Due to emerging social media a perfect platform to harass, bully or torture girl students is very prominent. The sick mentality speaks that girl should not be on social media or post their images, this is something that invites people. Such a shallow mindset needs to be reformed to narrow down violence.

OBJECTIVE OF THE STUDY

The objective of my research is to throw light on the description of violence and abuse experienced by girls in educational places. To be more precise, the study confront following-

³ Addis Adaba, A study on violence against girls in Primary school (Aug.12, 2020),

http://www.ungei.org/resources/files/Study_on_Violence_Against_Schoolgfiles_final.pdf

- To understand the factors giving rise to such violence.
- To exemplify the type of violence and its extent on human mind.
- An analysis of global scenario undertaking South Asian countries and viewpoint of the United Nations
- Aim at the role of policies and strategies propounded by government and educational institutions at ground level.
- Laws prevalent and remedies provided in our country.

FACTORS TRIGGERING VIOLENCE

“The country and the nation which do not respect the women have never become great not will even be in future”.⁴

The words of Vivekananda perfectly exemplify the importance of women. The ill-treatment done towards female has no age limit, even a small baby girl is a prey. The question is what seed society sows to commit such an illicit act. Violence is condoned from time immemorial due to various reasons. Nothing specific but collectively root the violence either due to culture, ethnicity, biological factor, psychology or society in which they grow.

Here are some mentioned factors giving birth to violence against girls within the school-

1. Upbringing plays a pivotal role in learning. If a child witnesses his father treating his mother or any other woman in an inappropriate way, the child will grasp same in his life too. It is a stated fact that children are like to their parents.
2. Indian culture supersede males and provide them the highest status and treat women as “dasi” who are meant to bear all tantrums and have a voice just to say yes whatever a male utter. By observing such a scenario an adolescent boy evolves this perspective and expects girls in school to be below them as this is what their culture state.
3. Biological hormones are a kick-starter to boost aggressiveness, some succeed in controlling while some lose cool in a second. This provokes a male to take sudden action either hit a girl,

⁴ Women’s web (Aug.14.2020), <https://www.womensweb.in/2013/01/a-feminist-from-the-19th-century-vivekananda/#:~:text=All%20nations%20have%20attained%20greatness,these%20living%20images%20of%20Sh>

abuse or torture on a daily basis to attain satisfaction.⁵ The hot blood commits rape, sexual abuse and brutality with pride as there is no wrong.

4. Nowadays socialization is a new factor to serve violence. It is very common in every educational institution where boys get influenced in the matter to look or be cool. Often competition between the peers, how she scored so well and I lacked results in jealousy. This competitive intension misleads on the track of violence.
5. Psychological factors impacting violence adversely. Ingredients bursting this factor include economic aspects, psychological disorder, necessity, urge for attention or recognition.⁶ In a condition where a boy is from a poor family, by getting influenced or for the recognition he may assault a girl or blackmail in order to make money.
6. Social media a boon or bane depends on its utilization. Almost every student is quite active on the social platforms these days. They see and want to acquire same in their life unknowing what is wrong. For them bullying, teasing, molesting, etc. are another form of enjoyment.
7. In today's generation, the term "ego" is so deeply grounded that many problems and violence breed from this. Basically, if there is some argument between a boy and girl or even with a teacher, the payback is mandatory because of ego not respect. It is very evident within student peer group about one saying, how dare she said or acted in that way. They consider it as an insult and violence is the form of compensation.

The grounds up rise the violence at educational places and deteriorating the value of education and this result in confining girls at home, lack of education and under-development.

GLOBAL PROSPECTUS

The violence against women is postulated by United Nations as "any act of gender-based violence that results 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."⁷ The statistical data of WHO of the year 2017-2018 indicate 1 out of 3 women globally is a survivor of sexual partner violence or non-partner sexual violence encompassing adolescents. To overcome and suppress, the International Day of the Elimination of Violence against Women

⁵ Origin of Violence against women (Aug.16.2020),

<https://www.pbs.org/kued/nosafeplace/studyg/origins.html#:~:text=Violence%20against%20women%20has%20been,no%20wider%20than%20his%20thumb.>

⁶ Manju Mehta, Violence against women and mental health (Aug.16.2020),

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4743360/>

⁷ Violence against women,(Aug.25.2020), <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

came up with manifestos and objectives to eradicate physical, sexual and psychological forms to provide a better versions of the life. The focal point of commitments made was to achieve Sustainable Development Goal (SDG) 5 on gender equality and empowerment⁸.

According to the data of South Asian countries approximately 516 million children aged 5-19 are heading to school⁹. It is a place where a large span of time is spends molding into a better human. Every region all around the world reflect same image of violence as our country culminates. It is reported that corporal violence is significantly practiced, following with physical abuse consisting of sexual violence, rape and harassment and suffer from psychological or emotional trauma just like India. Expansion of violence with the expansion of internet has increased rate of bullying, texting, videos and pornography among adolescents. Acquiring qualitative and quantitative method it is well established that prevailing ideologies and customs in countries like Nepal, Pakistan, Indonesia, Vietnam and Cambodia adolescents are at high risk of violence at educational places. A change worthy implementation launched at Delhi government for directing National Capital Territory (NCT) schools to ensure that “bullying is strictly prohibited inside the school premises, and (that no such act goes) unnoticed and unpunished.”¹⁰

Global data suggests child who comes across violence in their childhood are more inequitable to hold gender views and they secure violence either as victim or perpetrator. Many countries accept a lack of implementation of laws and data collection because there are end numbers of cases that are not reported yet.

TYPES AND PREVALANCE OF VIOLENCE

The biggest barrier on road to education is school-related gender-based violence. It dominantly proposes physical, psychological and sexual abuse, curbing girl’s enlistment, disrupting their attendance and accomplishment with the expansion of dropout percentage.¹¹ A study conducted by “Plan International Organization”, where over 7,000 students were asked about their interpretation regarding equality and revealed safety in and around the school is questionable. It

⁸ Ending violence against women and girls: remaining challenge, (Aug.25, 2020), <https://www.un.org/en/chronicle/ending-violence-against-women-and-girls-progress-and-remaining-challenges>

⁹ Violence against children in education sittings in South Asia,(Aug.25, 2020), <file:///C:/Users/HP/Downloads/Violence-against-children-in-education-settings-in-SouthAsia.pdf>

¹⁰ End the bullying,(Aug.27.2020), <https://bangkok.unesco.org/content/india-commits-end-school-violence>

¹¹ Preventing violence against girls at school (Aug.16, 2020), <https://plan-international.org/because-i-am-a-girl/violence-at-school>

further directs the vulnerability of girls who face regressive attributes from boys creating an unsafe environment.

The prevalent type of unsuitable act includes outraging the modesty of women, sexual assault, teasing, bullying, blackmailing, abusing and threatening. It is also observed that name calling, act of snatching of properties, deprivation of liberties and demanding money is gradually blooming humiliation within adolescents. Progressive increase of violence can be accepted with an incident occurred at Maxfort School, Rohini, Delhi where 8 year old girl was molested by a teacher within school premises¹². The reason behind is the loophole on the part of supervision by the authorities, lack of discipline in school, absence of teacher, inadequate guidance and counselling and no mode of recreation.

Emotional violence is another form where a female is made to feel worthless. These day's females are tagged with absurd or undignified words and repeatedly poking fuel the emotional breakdown. The whole blame of an act whether failure in project or teamwork burst on a single girl making her liable for failure. Generally, students who are handicapped or physically disabled are more prone to violence as other students take advantage of helplessness, make a mockery and bully to no extent. Corporal punishment such as slapping, hitting, punching and canning practiced by teachers undermines violence. It was brought in notice that in order to gain good remarks male teachers exploit girl students. Subsequently, seen at the college level, boys asking for favors against girls will, harassing when rejected or defame publically. Recently in February, 2020 some drunken men barged inside Gargi College campus, New Delhi during an annual cultural fest where alleged molesting and sexual assaulting was reported by female students.¹³ Alcohol and drug often envisage rape or sexual assault inside the college campus.

Acid Attack is a worst criterion of misogyny. In February, 2020 a student of class 10th threw acid on three girls at school in Hamirpur district of Himachal Pradesh causing facial burns.¹⁴ Again college or school flings or relationships are very common yet another root of violence. Under the umbrella of love and affection, many violence is done like boy torturing or making offensive remarks, pressurizing to work according to him, etc. Sometimes in mockery an

¹² Here are five cases of child molestation in Indian schools (Aug. 18.2020), <https://www.indiatoday.in/education-today/news/story/top-10-cases-of-school-molestation-in-india-202738-2014-08-04>

¹³ Gargi College molestation case (Aug.18.2020), <https://www.thestatesman.com/india/gargi-college-molestation-case-students-to-meet-dcw-chief-today-1502858068.html>

¹⁴ Student throws acid ,3 girls injured (Aug. 20.2020), <https://www.m.hindustantimes.com/>

indecent act is done or a girl is locked in a classroom or washroom, making monthly periods a taboo and making fun are diversified misdeeds overshadowing female integrity.

CONSEQUENCES

“Addressing violence in schools is not only about protecting children’s rights to physical and emotional integrity but also about achieving greater learning outcomes and wellbeing for the child.”¹⁵

The triggering of violence is equivalent to enormous health complications in an adolescent. Consecutively negative chain reaction can be witnessed as expressed by studies. It is also telecasted that there are many cases that are unreported and often due to bad health, injuries are hard to define. Here are the following drawbacks of the sufferings¹⁶ –

- Serious Injuries – the violence sustained by females ranging from burses to fractures and disabilities giving scares for a whole life.
- Homicide –Violence is so deeply entrenched and a burden to her family, peer pressure and mental trauma resulting in suicide.
- Unwanted Pregnancy’s – A huge liability of unwanted pregnancy is a threat to adolescent health as well as the foetus. Forced sex or sexual abuses hamper both biologically and psychologically. It is not possible for a small girl to bear such pain and responsibility and death may occur in certain cases.
- Prone to sexually transmitted diseases- Without any proper contraceptive protection girls are more likely to suffer from diseases such as HIV/AIDS or any sexually transmitted disease.
- Vulnerability of diseases – often girls entail pain in the vagina, injury in private parts, urinary tract infection and menstrual problems.
- Mental health agony- abused girls endorse problem of anxiety and depression. They might undergo posttraumatic disorders (PTSD), sleeping or eating disorders, nightmares, suicidal tendency or can even become mad.
- Addicted – To attain relief they make get addicted to drugs or alcohol wrecking their entire life.

¹⁵ Asia-Pacific roundtable meeting on school-related gender-based violence, November 2013, Bangkok, Thailand, (Aug. 25.2020), <https://bangkok.unesco.org/content/india-commits-end-school-violence>

¹⁶ Violence against women health consequences, (Aug.25.2020), <https://www.who.int/gender/violence/v8.pdf>

- Lack of productivity- Violence enables girls to put their whole potential either in studies, society contribution or self-development. All things come at stake because of the indecent acts by some stupid students.

WAYS TO TRANSFORM VIOLENCE WITHIN CAMPUS

The foremost step to violence-free campus is challenging the cultural beliefs and societies taboo which are huddle in the pathway.¹⁷ It would be wrong on our part to wait for other authorities, instead it is our sole responsibility of every student to be the change that they want. Therefore here are some footsteps that may lead to a beautiful environment and diminish unwanted actions.

- Analyse spectrum of existing violence – Violence is not just confined to sexual abuse, rape or molestation rather it covers catcalling, bullying, spreading rumours, stalking etc. It may also arise between friends and intimate partners. Importantly, recognize the crime and accordingly set boundaries to prevent yourself.
- Unity we stand – According to a survey it is reported that one among five girls is sexually abused, mainly in 1st year of the college. This problem is not for one it is for society at large and hence students need to unite for the welfare.
- Challenge victim-blaming – A scenario of a female blaming another female is just unacceptable. This is a time to stand and not blame survivors, make use of every possible resource either consult authorities, rape crisis centre or wellness camps.
- Raise voice on language – To counter undignified language for female, a language of revolutionary that can discourage violence need to be raised by ever individual.
- Power of student activism – Periodic feedback need to be accustomed to maintain the database and accordingly vigilance committee to look after and act preferably.
- Expand sex education – It is a taboo in our country to discuss, but the increase in crime rate is due to lack of knowledge. So it should be mandatory to grant and create awareness about sex education.
- Make benefit of social media – We see a lot of cyber crimes but this media can reach people at large for good cause too. A short film, posters and social message can influence and educate adolescents.

¹⁷ College student can transform a culture of violence against women on campus, (Aug.20.2020), <https://16days.thepixelproject.net/16-ways-college-students-can-transform-a-culture-of-violence-against-women-on-campus/>

- Misuse of fun - The campus is a safer place till the time no misconduct is done under the umbrella of fun. If one person without any consent enters the safe zone of a female is wrong.

RULES FORMULATED BY UNIVERSITY GRANT COMMISSION

The UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 is de rigueur to alter atrocities. University Grant Commission Act, 1956 have the right to make regulations regarding higher educational system under section 20(1) and section 26(1)(g). The sexual offences are inscribed in regulation 2(k), whereas regulation 3(d) states that “sexual harassment is gender neutral and institutions should take action on complaints of employees and students of all sexes.¹⁸” There is also a provision in regulation 5, regarding the internal complaints committee where any student or employee wants to make police complaint then in such case no person should be victimized on gender criteria. Regulation 7 and 8¹⁹ generalises process of filing a sexual complaint and consecutively how inquiry is processed. It also grants permission to file a complaint by any colleague or person on behalf of a survivor within 30 days of offence.

Anti-ragging mandate was issued by UGC in 2009²⁰. All institutes must abide by regulation and adequate measures to be adopted to publicize. There must be CCTV cameras, anti-ragging committee and cells to safeguard the students from getting bullied.

INITIATIVE AND POLICIES IN INDIA

Bharatiya Stree Shakti (BSS), an NGO nationwide whose motto is to shape the sustainability of women by emphasizing education, health, economy and gender equality. They collectively work with the government to transform the gap between citizens and lawmakers. BSS has organized awareness campaigns, workshops, activities, etc. in order to facilitate rights. Their work to support adolescents was in terms of filing PIL against the administration of government-run girl’s hostels to provide amenities.²¹

Women National Policy, 2016 proposed enrolment in per-primary education of adolescent girls, and focus on disparities in view of information and communication technology. Address all form

¹⁸ UGC regulation, 2015, (Aug. 22.2020), <https://www.sconline.com/blog/post/2016/06/14/ugc-prevention-prohibition-and-redressal-of-sexual-harassment-of-women-employees-and-students-in-higher-educational-institutions-regulations-2015/>

¹⁹ Schemes for universities, (Aug.22.2020), <https://www.ugc.ac.in>

²⁰ Ragging related circulars, (Aug.22.2020), <https://www.ugc.ac.in>

²¹ Research project and seminar, (Aug.27.2020), <https://www.bharatiyastreesakti.org/>

of violence witnessed inculcating One Step Centres (OSC) a centrally sponsored scheme aims to bolster females facing sexual, emotional, psychological and economic abuse at private and public places irrespective of any caste, creed, race and culture²². An expedient emergency aid, medical or mental counselling is provided under one roof. It contributes to legal aid and video conferencing facility to girls below 18 years of age to share their part and gain relief.

Under the Ministry of Women and Child development, a scheme recalled as “**Rajiv Gandhi scheme for adolescent girls**” (SABLA)²³ whose aspiration is to empower, self- development, mental and sexual health and embody vocational skills.

Nirbhaya Fund was featured towards securing the dignity and safety of every woman in India. It was a concrete rise to insure security with a rapid increment of sexual harassment and rapes. Beyond this helpline 181 was originated under this scheme. Further “**Mahila Police Volunteer scheme**” is envisaged to be a bridge between police and community.²⁴

Central Victim Compensation Fund propounded under section 357A of the Code of Criminal Procedure, 1973 to provide compensation to the sufferers including rape and acid attack.

Aloft are the schemes currently running for welfare or betterment to cope up and earn justice against the life threatening misdeed.

LAWS INBUILT FOR PROTECTION

The Constitution of India²⁵

Article 21A – According to this, every individual has a hold of “Right to Life with Human Dignity” and deprivation may result in infringement of a fundamental right. It was further stated that corporal punishment a barrier for students to visit school resulting in dropout rates.

Answer to the above was proposed in *Hansmukhbhai Golakdas vs. State of Gujarat*²⁶, in year 2008 Gujarat high court ruled that corporal punishment is not recognized under the law. It may cover canning, psychological effect and physical pain.

²² One stop centre, (Aug.27.2020), <https://www.transformingindia.mygov.in/>

²³ Rajiv Gandhi scheme for empowerment of adolescent girls,(Aug.27.2020), <https://www.india.gov.in/>

²⁴ Nirbhaya Fund,(Aug.27.2020), <https://www.gktoday.in/>

²⁵ Dr J N Pandey, The Constitutional law of india (central law agency) (2017)

²⁶ Guidelines on safety and security of children,(Aug.29.2020), <https://www.mhrd.gov.in/pdf/files/>

Article 15(3) – It lays special provision for women determining the state shall not discriminate any citizen on the criteria of religion, race, caste, sex and place of birth.

Article 39(f) – The basic purpose is to facilitate and grant opportunities for children to be brought up in a healthy environment and youth is sheltered with dignity against exploitation.

Article 51(A)(e) – To promote brotherhood among the citizens and abandon derogatory practice towards the dignity of women.

The Indian Penal Code, 1860²⁷

Section 376 - This provision estimates all grounds for rape emphasizing on act done with or without consent. It embroils consent obtained by undue force, intoxication or unsoundness extending punishment from 7 to 10 years of imprisonment and in rigorous case life imprisonment.

Section 323 - It deals with voluntarily causing hurt and imprisonment up to 1 year.

Section 325 - It talks about inducing grievous hurt where the punishment of 7 year can be granted.

Section 354 – Criminal force or assault is done with an intension to outrage the modesty of women shall be imprisoned for a term extending 2 years or fine.

Section 509 - It is contented to punish who sexually harass any women either by words, gesture or act to disrespect would be cover under this ambit.

The Code of Criminal Procedure, 1973²⁸

Section 53(2) – It mandates that examination of women victim shall be done by a female practitioner only.

Section 154 – In case of cognizable offence lodging of FIR can also be done orally and later can be penned down.

Section 164 – This provision obliged to maintain the identity of a rape victim confidential and is a punishable offence under section 228A of IPC.

²⁷ The Indian Penal Code, (1860)

²⁸ The Code of Criminal Procedure, (1973)

POCSO Act, 2012²⁹

- The protection of children from sexual offences act, 2012 was framed and came into enforcement from 14 November, 2012.
- Sections 5, 6, 9 and 10 of the act embraces the definition of various sexual offences and their penalties.
- Section 19(1) and 21(2) cast responsibility on teachers and management to report the sexual abuse to the authority and appropriate penalties are imposed.
- Section 3 and 7 are comprised of penetrative sexual assault.
- Section 11 is charged for sexual harassment and section 13 propagates pornography.

JUVENILE JUSTICE HOMES³⁰

The national crime record bureau suggests crimes by a juvenile (under 18 year age) are gradually intimidating. The children are broadly categorized into two-

1. Child in need of care and protection – they are picked up from streets, illegal works such as factories.
2. Child in a conflict of law – they form a group of child who is accused or convicted of any offence.

This is compassionately a reformatory theory, where children are provided with education, vocational training, carpentry, sewing, cooking etc. are conceived to bring a transformation in child behavior. It is a rehabilitation Centre for children who assimilate wrong doing in school like causing hurt, sexual offences, killing, etc.

CONCLUSION

India being a secular and democratic land envisages equality overall genders and hence gives in hand the right to education and life. But we are so far from this reality. Worldwide girls are lockdown and endure violence while attaining education. The root cause of such illicit crimes is deeply rooted in the presence of culture, custom and stereotype mentality. Sometimes revolution is grabbing the neck of individual and violence is the form of suffocation. Every educational institution has internal committees, guidelines and vigilance cells, but is it in implementations.

²⁹ Manual on safety and security of children in school (Aug.29, 2020), <https://www.schooledn.py.gov.in/>

³⁰ Juvenile justice homes in India (Aug.29, 2020), <https://www.lawctopus.com/>

According to my view there exist a big gap and there will be no end unless authorities and teachers along with students stand united against violence. Remember that not a single girl is a victim, her peers and family collaborate as a victim and suffer their entire life. So far laws in our country are concerned, again an implementation lacks. We have laws but it is too costly for poor and females in our society, half of the life of a survivor is lost in the courtrooms with empty hands. Many don't even file a case with a fear of reputation in society and end their life because of someone else did wrong. Today's requirement is the better legislature, fast track court and legal aid to be seized and speedy disposal of cases to provide justice and to maintain faith in the judiciary.

This outline needs to be mutated to avoid the miscarriage of justice and females reside their faith in the Indian justice system. Primarily, providing a good upbringing and respect towards women following with good education to make a difference between good and bad touch promotes to raise voice against violence. Educational violence is not minor, supportive parents and peers are essential in approaching wellness. The situation demands to work together and fight back violence and make a healthy educational environment.