

## BEYOND THE HEADLINES: UNDERSTANDING GENDER-BASED VIOLENCE IN 2023: IN LIGHT OF THE MANIPUR CONFLICT

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### ABSTRACT

Gender-based violence, a global curse, has persisted for centuries in various forms, from physical and sexual abuse to psychological and economic coercion. It knows no geographical or cultural boundaries, affecting women and marginalized communities across the world. In the shadows of silence and stigma, survivors have historically suffered in silence, their stories confined to the darkest corners of society. Manipur's violence against women mirrors the pervasive and deeply ingrained patterns of patriarchy that persist worldwide. The Statute of the International Criminal Court<sup>1</sup> includes acts like rape and certain other forms of sexual violence within the category of war crimes and crimes against humanity. This inclusion occurs when these acts are perpetrated as part of a widespread or systematic assault targeting civilian populations.<sup>2</sup> Legal frameworks and international instruments have tried to recognise sexual violence and established safeguards for the rights and dignity of individuals subjected to gender-based violence in conflict. In the wake of the Nirbhaya Gang rape case,<sup>3</sup> many amendments were enacted, through Criminal Amendment Act 2013. But what about its implementation? What about the basic legal awareness, amongst women and especially the law enforcers, who at times turn into perpetrators or just silent spectators? Sexual violence though condemned all over the world, is an invisible part of armed conflict. It's an urgent need to raise awareness and create gender sensitivity, especially to prevent mass rapes in conflicted areas. This article delves into the complex landscape of gender-based violence in conflict-ridden places like Manipur, shedding light on the incidents that have scarred communities and exploring the legal mechanisms that hold the promise of a more just and equitable future.

**Keywords:** Gender-Based Violence, Legal Frameworks, Manipur Violence, Sexual Violence.

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<sup>1</sup> International Criminal Court < <https://www.icc-cpi.int/>> accessed on 22<sup>nd</sup> August 2023  
< <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>> accessed on 22<sup>nd</sup> August 2023

<sup>2</sup> International Committee of Red Cross < <https://www.icrc.org/>> accessed on 22<sup>nd</sup> August 2023; International Committee of Red Cross 'Q&A: sexual violence in armed conflict' <<https://www.icrc.org/en/document/sexual-violence-armed-conflict-questions-and-answers>> accessed on 22<sup>nd</sup> August 2023

<sup>3</sup> *Mukesh & Anr v State For Nct Of Delhi & Ors* (2017) 6 SCC 1

## INTRODUCTION

“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny.”<sup>4</sup> No wiser words have been spoken, than these by Dr. Martin Luther King, which painfully reflects, the shock of the collective consciousness of the world, in the wake of a horrific, sexual violence video of Manipur.

It is so aptly said, injustice against women in Manipur reflects injustice towards women across the world. It is as if the whole of mankind is interwoven with an invisible thread, disturbance in any one part of the world, affects the whole world, directly or indirectly. It is a threat to justice everywhere. Amid political turmoil and civil unrest, Manipur has witnessed a distressing prevalence of gender-based violence, with women and girls disproportionately bearing the brunt of this horrifying phenomenon.

Gender-based violence in conflict zones, such as Manipur, encompasses a spectrum of abuses, including sexual assault, domestic violence, forced marriages, and human trafficking. These acts of violence are not merely collateral damage of war; rather, they are deliberate tools of subjugation, humiliation, and control. The experiences of countless women and girls in Manipur, who have endured unimaginable suffering, serve as poignant reminders of the urgent need to address this grave issue.

## VIOLENCE THROUGH THE LENS OF HISTORY

Prehistorian Marylène Patou-Mathis<sup>5</sup>, who studies violence in humans, has found that the origination of collective violence appeared with the “sedentarization of communities” nearly 15,000 years ago, and more importantly, that “Violence is not inscribed in our genes. The appearance of violence has historical and social causes”.<sup>6</sup>

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<sup>4</sup> Arushi Bhaskar, ‘This Quote Means: Said by Martin Luther King Jr., Injustice anywhere is a threat to justice everywhere’

This quote appears in a 1963 letter King wrote from the Birmingham Jail (in the state of Alabama) that was addressed to his “fellow clergymen” <[www.indianexpress.com](http://www.indianexpress.com)>  
<<https://indianexpress.com/article/explained/this-quote-means-injustice-martin-luther-king-meaning-8644986/>>  
Accessed 22<sup>nd</sup> August 2023

<sup>5</sup> Anna Mateu, Interview with Marylène Patou-Mathis  
<<https://metode.org/issues/entrevista-revistas/interview-with-marylène-patou-mathis.html>> Accessed on 23<sup>rd</sup> August 2023

Marylène Patou-Mathis is a pre-historian and research director at the CNRS (National Center for Scientific Research).

<sup>6</sup> Marylène Patou-Mathis, “Ideas: The origins of violence,” The UNESCO Courier 2020, no. 1 (2020), 38–41; Hari Seshasayee, ‘Addressing the Historical Roots of Gender-Based Violence in Twenty-First-Century India’

Violence isn't something we inherit in our genes. It's not like our eye colour or hair type that's passed down from our parents. Instead, violence often comes from things around us, like the environment we grow up in and the things we learn from those close to us. In the Seville Statement of the United Nations Educational, Scientific and Cultural Organization<sup>7</sup>, in its fourth proposition, explained that “it is scientifically incorrect to say that humans have violent brains.”<sup>8</sup>

Further, it illuminates that “we do have the neural apparatus to act violently, it is not automatically activated by internal or external stimuli. Like higher primates and unlike other animals, our higher neural processes filter such stimuli before they can be acted upon. How we act is shaped by how we have been conditioned and socialized. There is nothing in our neurophysiology that compels us to react violently.”<sup>9</sup>

In simple terms, our brains and bodies don't have a built-in need to be violent. It means that we aren't born wanting to hurt others. Violence is a choice people make, not something our bodies force us to do.

## **VIOLENCE IS A GENUS: GENDER-BASED VIOLENCE ITS SPECIES**

The foundational sociocultural origins of gender-based violence, are well recorded in the book *Archaeologies of Gender and Violence*<sup>10</sup>, including a Greek-Ptolemaic text which is 2,200

[https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Addressing\\_the\\_Historical\\_Roots\\_of\\_Gender-Based\\_Violence\\_in%20Twenty-First-Century\\_India.pdf](https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Addressing_the_Historical_Roots_of_Gender-Based_Violence_in%20Twenty-First-Century_India.pdf) > Accessed on 23<sup>rd</sup> August 2023

<https://5g.wilsoncenter.org/> > Accessed on 30<sup>th</sup> August 2023

<sup>7</sup> United Nations Educational, Scientific and Cultural Organization <<https://www.unesco.org/en>> Accessed on 23<sup>rd</sup> August 2023

<sup>8</sup> Edited with commentary David Adams, *The Seville Statement on Violence: Preparing the ground for the construction of peace*

disseminated by decision of the General Conference of UNESCO at its twenty-fifth session Paris, 16 November 1989 <[https://www.culture-of-peace.info/brochure/English\\_brochure.pdf](https://www.culture-of-peace.info/brochure/English_brochure.pdf)>

Accessed 26<sup>th</sup> August 2023; Hari Seshasayee 'Addressing the Historical Roots of Gender-Based Violence in Twenty-First-Century India' <<unesdoc.unesco.org/ark:/48223/pf0000094314/PDF/094314eng.pdf.multi>> accessed 22 August 2023;

<[https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Addressing\\_the\\_Historical\\_Roots\\_of\\_Gender-Based\\_Violence\\_in%20Twenty-First-Century\\_India.pdf](https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Addressing_the_Historical_Roots_of_Gender-Based_Violence_in%20Twenty-First-Century_India.pdf)>

<sup>9</sup> Hari Seshasayee, 'Addressing the Historical Roots of Gender-Based Violence in Twenty-First-Century India' <<unesdoc.unesco.org/ark:/48223/pf0000094314/PDF/094314eng.pdf.multi>> accessed 22 August 2023

<sup>10</sup> Bo Jensen (Editor); Uroš Matić (Editor) *Archaeologies of Gender and Violence*

<<https://www.oxbowbooks.com/oxbow/archaeologies-of-gender-and-violence.html#:~:text=Papers%20range%20from%20theoretical%20discussions,ancient%20Egypt%2C%20Persia%20and%20Peru>> ;

Hari Seshasayee, 'Addressing the Historical Roots of Gender-Based Violence in Twenty-First-Century India' <[https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Addressing\\_the\\_Historical\\_Roots\\_of\\_Gender-Based\\_Violence\\_in%20Twenty-First-Century\\_India.pdf](https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Addressing_the_Historical_Roots_of_Gender-Based_Violence_in%20Twenty-First-Century_India.pdf)> accessed 23<sup>rd</sup> august 2023

years ago that is similar to society today: “Do not disregard an insult from your wife. Beat her!”<sup>11</sup>

The connection between violence in human societies and the issue of gender-based violence lies in the complex web of societal norms, cultural expectations, and power dynamics. Violence, in its various forms, emerges from a range of factors such as unresolved conflicts, inequalities, and deeply ingrained prejudices. Gender-based violence stems from gender norms that perpetuate the idea that one gender is superior to the other. This misguided belief often fuels acts of cruelty and discrimination against individuals based solely on their gender identity.

## **THE CASES IN INDIA AND BEYOND: THE TRAGIC STORIES OF SEXUAL VIOLENCE**

Sexual violence, a deeply distressing and pervasive issue, knows no borders or boundaries. Its harrowing presence extends far beyond geographical confines, casting a long and haunting shadow on societies worldwide. In India, a nation marked by its rich culture and history, the tales of sexual violence are tragic. However, these stories are not unique to India alone. Across the globe, individuals, especially women and young girls, have endured the horrors of sexual violence, their experiences echoing in the dark corners of conflict zones. The following are a few incidents, wherein women were subjected to gender-based violence, at times of conflict.

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### **PARTITION, 1947**

Women, half of our world's population, are indispensable contributors to society, wielding immense strength and resilience. Yet, the historical term "partition" conjures memories of a painful chapter when India was forcibly divided into two nations in 1947, resulting in immense suffering, with women often bearing the brunt of communal violence.

In the Indian subcontinent, where communities had lived side by side for nearly a thousand years, a horrifying wave of religious violence erupted, pitting Hindus and Sikhs against Muslims. It involved massacres, widespread arson, coerced conversions, large-scale abductions, and brutal sexual assaults. Shockingly, around seventy-five thousand women fell

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<sup>11</sup> Christine Hue-Arcé, 'Violence against women in Graeco-Roman Egypt: the contribution of Demotic documents,' *Archaeology of Gender and Violence* (Oxbow Books, 2017) 136; Hari Seshasayee, 'Addressing the Historical Roots of Gender-Based Violence in Twenty-First-Century India' <[https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Addressing\\_the\\_Historical\\_Roots\\_of\\_Gender-Based\\_Violence\\_in%20Twenty-First-Century\\_India.pdf](https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Addressing_the_Historical_Roots_of_Gender-Based_Violence_in%20Twenty-First-Century_India.pdf)> Accessed 26<sup>th</sup> August 2023

victim to rape, and many of them suffered further horrifying acts of mutilation and violence.<sup>12</sup> “This period in history witnessed gendered violence inflicted on women either by the males of their families or by members of other religious communities. Women were kidnapped, raped, publicly humiliated and had their genitalia mutilated. Women were also killed in the name of honour by their families, and many were forced to die by suicide in an attempt to protect their chastity.”<sup>13</sup>

The day when Pakistan officially was created i.e., August 14<sup>th</sup>, 1947, and the eve of India’s independence, independence brought freedom from the British Colonial rule, but at what cost?

Millions suffered from traumatic incidents, especially women. Violence during partition situated women as objects of possession and vehicles of communication of reprisal between opposed groups of men.<sup>14</sup> This period, saw rapes, abuses and horrific gender-based crimes against women. August 14<sup>th</sup> is now declared as Partition Horrors Remembrance Day.

### **THE 1989, BHAGALPUR RIOTS**

There were reports of sexual violence against women during the Bhagalpur riots of 1989 in the Indian state of Bihar. The Bhagalpur riots were marked by communal violence, and unfortunately, incidents of sexual violence against women from minority communities were many during these clashes. Officially there may not be any numbers or reports of the communal violence against women in Bhagalpur riots.

Lawyer Warisha Farasat, who examined the 1989 Bhagalpur riots in Bihar, a tragic event that claimed the lives of over 1,000 people, noted that the government-established commissions assigned to investigate the violence failed to include any mention of sexual assault or rape in their official reports.<sup>15</sup> “I did my research 21 years after the incident and people were still reluctant to talk about it. The only cases where families spoke about sexual violence were those

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<sup>12</sup> The Great Divide: The Violent Legacy of Indian Partition. By William Dalrymple June 22, 2015 <<https://www.newyorker.com/magazine/2015/06/29/the-great-divide-books-dalrymple>> Accessed on 27<sup>th</sup> August 2023

<sup>13</sup> Gendered Violence and the Horrors of Partition: The Price Paid by Women by Faisal Fareed and Shah Alam <<https://thewire.in/history/gendered-violence-and-the-horrors-of-partition-the-price-paid-by-women>> Accessed on 27<sup>th</sup> August 2023

<sup>14</sup> *Ibid*

<sup>15</sup> Sharanya Hrishikesh & Zoya Mateen, ‘Manipur: India video shows how rape is weaponised in conflict’ BBC News, Delhi <<https://www.bbc.com/news/world-asia-india-66254008>> Accessed on 27<sup>th</sup> August 2023 <[www.bbc.co.uk](http://www.bbc.co.uk)> accessed 30<sup>th</sup> august 2023

where the victim had died in the assault, perhaps because there was no rape-related social stigma involved," she says.<sup>16</sup>

In India, instances of sexual violence frequently remain undisclosed because survivors, who have experienced deep trauma, are often afraid of facing social isolation and being shunned by their own families and communities.

According to Ms. Farasat, survivors of sexual violence in conflict zones often struggle with multiple traumatic experiences, including the loss of their means of earning a living and the deaths of their family members<sup>17</sup>. These added burdens can sometimes lead them to downplay the sexual violence they endured.<sup>18</sup> However, she also emphasizes that their hesitation to speak out is not always linked to feelings of shame.<sup>19</sup> "The problem is, when women come out to speak, they don't get justice. That's what needs to change," Ms Farasat adds.<sup>20</sup>

### **DO YOU REMEMBER KUNAN POSHPORA? THE STORY OF MASS RAPE<sup>21</sup> 1991**

The book "Do You Remember Kunan Poshpora?"<sup>22</sup> provides a deeply personal and firsthand account of the experiences of the victims of a horrific incident in Kunan and Poshpora. It was written in the wake of protests and uproar after the Nirbhaya Gang rape case<sup>23</sup> in Delhi.

On that fateful night 23<sup>rd</sup> February 1991 in the India-administered Kashmir valley, the villages of Kunan and Poshpora experienced a harrowing raid by over 300 Indian army personnel. Shockingly, it's reported that approximately 150 girls and women were subjected to sexual assault, while nearly 200 men endured torture. The very places meant for shelter, like barns, were tragically transformed into chambers of torment. The morning that followed was undoubtedly characterized by profound horror and overwhelming suffering, leaving an

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<sup>16</sup> *Ibid*

<sup>17</sup> *Ibid*

<sup>18</sup> *Ibid*

<sup>19</sup> *Ibid*

<sup>20</sup> *Ibid*

<sup>21</sup> Samreen Mushtaq, Essar Batool, Natasha Rather, Ifrah Butt and Munaza Rashid *Do you Remember Kunan Poshpora? The Story of a Mass Rape (first published in 2016, Zubaan Books)*

<sup>22</sup> Samreen Mushtaq, Essar Batool, Natasha Rather, Ifrah Butt and Munaza Rashid *Do you Remember Kunan Poshpora?*

*The Story of a Mass Rape (first published 2016, Zubaan books )*

<sup>23</sup> *Mukesh & Anr v State for NCT of Delhi & Ors* (2017) 6 SCC 1

indelible scar on the communities.<sup>24</sup> One should wonder, how could one hope for safety, when protectors become, perpetrators?

According to another report of the 2012 Jammu and Kashmir State Human Rights Commission (J&K SHRC)<sup>25</sup> – During this operation, the male residents of the villages were first asked to leave their homes and were taken to a different location. Subsequently, persons of the security forces who had “turned into beasts” entered these houses and “gagged the mouths of the victims and committed forced gang rape against their will and consent”. Even young girls as little as eight years of age were raped.<sup>26</sup> The incident reflects the issues created by the impunity enjoyed by the Army. Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.<sup>27</sup>

In 2012, a committee was formed by the central government, which was headed by Justice J S Verma, former Chief Justice of India to examine, the preexisting laws against sexual assault, following the Nirbhaya gang-rape. The committee recommended that sexual violence against women by armed forces members or uniformed officers should be brought under the ambit of criminal law which is applicable to other citizens, ordinarily<sup>28</sup>. The committee recommended the AFSPA<sup>29</sup> be amended, to prosecute security force personnel for crimes involving violence against women, without any prior permission from the Central Government.

Maybe there is no proof of what happened, or maybe some of the voices have been silenced, but the emotion of injustice and neglect can be felt by every woman who has endured sexual

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<sup>24</sup> Priyanka Borpujari, ‘All These Years Later, Do Not Forget the Kunan-Poshpora Mass Rapes: The Indian Army’s violence against Kashmiri women must be etched in the history books’

<<https://thediplomat.com/2018/02/all-these-years-later-do-not-forget-the-kunan-poshpora-mass-rapes/>>

Accessed 27<sup>th</sup> August 2023

<sup>25</sup> National Human Rights Commission <<https://nhrc.nic.in/statecommission/jammu-kashmir-state-human-rights-commission>> Accessed on 27<sup>th</sup> August 2023

<sup>26</sup> Mohammad Umar, ‘26 Years After Kunan Poshpora, Army Still Enjoys Immunity For Sexual Violence’ <<https://thewire.in/rights/26-years-after-kunan-poshpora-army-still-enjoys-immunity-for-sexual-violence>>

<sup>27</sup> <[https://www.mha.gov.in/sites/default/files/The%20Armed%20Forces%20%28Jammu%20and%20Kashmir%29%20Special%20Powers%20Act%2C%201990\\_0.pdf](https://www.mha.gov.in/sites/default/files/The%20Armed%20Forces%20%28Jammu%20and%20Kashmir%29%20Special%20Powers%20Act%2C%201990_0.pdf)> The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.

S 7: Protection of persons acting in good faith under this Act: No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

<sup>28</sup> India: “Denied”: Failures in accountability for human rights violations by security force personnel in Jammu and Kashmir

July 1, 2015 Index Number: ASA 20/1874/2015 <<https://www.amnesty.org/en/documents/asa20/1874/2015/en/>> accessed on 24<sup>th</sup> August 2023

<sup>29</sup> Armed Forces Special Powers Act

violence or even has read or heard about it. The atrocities committed upon women, to use them as an object for revenge or teaching a “sabak”<sup>30</sup> to their male counterparts is in gross violation of basic human and fundamental rights, lawfully enshrined in our Constitution.

### **2002 GUJARAT RIOTS, THE BILKIS BANO CASE<sup>31</sup>**

In the wake of the burning of the Sabarmati train in Godhra on February 27, 2002, violent clashes erupted in Gujarat, India. On March 3<sup>rd</sup> of the same year, pregnant Bilkis Bano found herself fleeing for safety, accompanied by her young daughter and 15 others.<sup>32</sup> Desperate to escape the violence, they sought refuge in a field.<sup>33</sup> It was there that they fell victim to a horrifying attack by a mob consisting of 20-30 individuals armed with weapons such as sickles, swords, and sticks.<sup>34</sup> During this brutal assault, Bilkis Bano endured the trauma of a gangrape, while seven members of her family lost their lives. Fortunately, six others managed to escape from the scene.<sup>35</sup>

In 2008, a Special Central Bureau of Investigation (CBI) Court announced life imprisonment sentences for 11 men.<sup>36</sup> They were found guilty of gang rape and the murder of seven members of Bilkis Bano's family. The National Human Rights Commission (NHRC)<sup>37</sup> and the Supreme Court of India<sup>38</sup> both intervened in her case. Consequently, they directed a comprehensive investigation to be carried out by the Central Bureau of Investigation (CBI)<sup>39</sup>. The Bombay High Court later confirmed their convictions. However, it's important to note that all of these individuals were released from custody last year.<sup>40</sup>

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<sup>30</sup> ‘Sabak’ is a Hindi word which means *lesson*

<sup>31</sup> *Bilkis Yakub Rasool v. State of Gujarat* Writ Petition (Crl) no. 118 of 2003, Supreme Court of India.

<sup>32</sup> Explained: What's The Bilkis Bano Case, Why Have Convicts Been Released, What's The Family Saying < <https://www.outlookindia.com/national/explained-what-is-the-bilkis-bano-case-why-have-convicts-been-released-what-is-the-family-saying-news-216753>> accessed 26<sup>th</sup> August 2023

<sup>33</sup> *ibid*

<sup>34</sup> *ibid*

<sup>35</sup> *ibid*

<sup>36</sup> *ibid*

<sup>37</sup> National Human Rights Commission (NHRC) <<https://nhrc.nic.in/>>

Accessed on 27<sup>th</sup> August 2023

<sup>38</sup> The Supreme Court of India < <https://main.sci.gov.in/> > accessed on 27<sup>th</sup> August 2023

<sup>39</sup> Central Bureau of India <<https://cbi.gov.in/>> < <https://www.iasparliament.com/blogs/pdf/bilkis-bano-case>>

Accessed on 27<sup>th</sup> August 2023

<sup>40</sup> *ibid*



## WEAPONIZATION OF WOMEN'S BODIES<sup>41</sup>: UNEARTHING MANIPUR CONFLICT 2023

In the northeastern part of India, nestled in the mountains is the state of Manipur, with around three million population. It is called the “jewel of India”<sup>42</sup>. This Jewel has recently seen some ghastly crimes, diminishing its shine and glory and unfortunately, this is not new for this state. Its history reflects its share of ethnic clashes, between the Meitie and the Kuki tribes.

On May 4, 2023, Manipur witnessed a horrifying incident when three women fled from their homes which were engulfed in flames. The full extent of their harrowing ordeal only came to light more than 70 days later, when the whole country witnessed it, due to their viral video.<sup>43</sup> The horrific video of the two women was widely shared on social media on Wednesday. It shows them being dragged and groped by a mob of men who then push them into a field<sup>44</sup>. The footage showing the women weeping, wincing in pain and begging their attackers to show some mercy, while they were stripped naked, paraded and groped is disturbing to watch.<sup>45</sup>

Tragically, this incident was not an isolated one in the conflict-ridden northeastern state of Manipur.<sup>46</sup>

A few days after the video was circulated, it was reported that two other Kuki-Zo women from Kangpokpi's Khopibung village were locked up in a room in Imphal and sexually assaulted by at least six men, according to the FIR (First Information Report)<sup>47</sup> registered by their families.<sup>48</sup>

<sup>41</sup> <https://thediplomat.com/2023/08/in-manipur-women-are-both-victims-and-perpetrators-of-sexual-violence/>  
Accessed on 27<sup>th</sup> August 2023

<sup>42</sup> <https://www.manipuronline.in/about/profile#:~:text=Manipur%20is%20one%20of%20the,of%20unique%20traditions%20and%20culture.> Accessed on 27<sup>th</sup> August 2023

<sup>43</sup> Manipur: How Violence Against Women Has Become a Weapon During Conflict Outlook Web desk  
<<https://www.outlookindia.com/national/manipur-how-violence-against-women-has-become-a-weapon-during-conflict-news-306206>>  
Accessed on 27<sup>th</sup> August 2023

<sup>44</sup> Manipur: India outrage after women paraded naked in the violence-hit state by Cherylann Mollan  
BBC News, Mumbai <<https://www.bbc.com/news/world-asia-india-66253389>> Accessed on 26<sup>th</sup> August 2023  
<[www.bbc.co.uk](http://www.bbc.co.uk)> accessed 30<sup>th</sup> August 2023

<sup>45</sup> Manipur: How Violence Against Women Has Become a Weapon During Conflict Outlook Web Desk  
<<https://www.outlookindia.com/national/manipur-how-violence-against-women-has-become-a-weapon-during-conflict-news-306206>> Accessed on 27<sup>th</sup> August 2023

<sup>46</sup> *ibid*

<sup>47</sup> First Information Report (FIR) is a written document prepared by the police when they receive information about the commission of a cognizable offence. The procedure is mentioned in s154 of the Criminal Procedure Code, 1973

<sup>48</sup> Manipur: How Violence Against Women Has Become a Weapon During Conflict Outlook Web Desk  
<<https://www.outlookindia.com/national/manipur-how-violence-against-women-has-become-a-weapon-during-conflict-news-306206>> Accessed on 27<sup>th</sup> August 2023

Women's bodies, continue to be tragic battlegrounds for revenge and retribution<sup>49</sup>, as if they have no right over their own. They are treated as objects of passion and aggression, silently suffering, as society continues to downplay the injustice. This incident occurred in the year, 2023 when we dream of space exploration and scientific innovations. When we take pride in having a woman President, in our country, when women are making their mark in all male-dominated spheres. It's mortifying that this is the legacy and story, the coming generations would also, be inheriting.

### **RUSSIA- UKRAINE WAR: WOMAN'S BODY USED AS A BATTLEGROUND**

On February 24, 2022, while the UN Security Council was making a final attempt to prevent Russia from launching an attack on Ukraine, President Putin declared the start of a comprehensive invasion of Ukraine. This invasion was aimed at land, sea, and air territories and was primarily aimed at Ukrainian military installations and cities throughout the nation.<sup>50</sup>

Consequently, numerous harrowing instances of sexual violence and rape have come to light. These stories include a woman subjected to repeated sexual assault by a Russian soldier after her husband's death near Kyiv, a mother of four who endured gang rape by Russian soldiers in Kherson, the tragic discovery of a Ukrainian woman's lifeless body, bearing the chilling mark of a swastika, and another woman's account of rape by a Russian commander as tanks rolled into the village of Kalyta.<sup>51</sup> These distressing incidents highlight the grave toll of sexual violence amid the ongoing conflict.

British ambassador to Ukraine, Melinda Simmons, said: "Rape is a weapon of war". "Though we don't yet know the full extent of its use in Ukraine, it's already clear it was part of Russia's arsenal. Women raped in front of their kids, girls in front of their families, as a deliberate act of subjugation."<sup>52</sup>

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<sup>49</sup> Manipur: How Violence Against Women Has Become a Weapon During Conflict Outlook Web Desk <<https://www.outlookindia.com/national/manipur-how-violence-against-women-has-become-a-weapon-during-conflict-news-306206>>

<sup>50</sup> War in Ukraine by Centre for Preventive Action < <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine> ; <https://www.cfr.org/defense-and-security/wars-and-a?topics=All&regions=All&type=12>>

Accessed on 26<sup>th</sup> August 2023

<sup>51</sup> Rape has reportedly become a weapon in Ukraine. Finding justice may be difficult by Laurel Wamsley <<https://www.npr.org/2022/04/30/1093339262/ukraine-russia-rape-war-crimes>> Accessed on 27<sup>th</sup> August 2023

<sup>52</sup> Laurel Wamsley 'Rape has reportedly become a weapon in Ukraine. Finding justice may be difficult' <<https://www.npr.org/2022/04/30/1093339262/ukraine-russia-rape-war-crimes>> Accessed 27<sup>th</sup> August 2023

In these times of conflict when basic survival is difficult, it remains deeply concerning that women are often viewed as objects rather than individuals with equal rights and dignity, fighting a twin battle.

These circumstances raise crucial questions about the expectations of the justice delivery system. Those who witness these injustices are left pondering about the effectiveness and fairness of the system in addressing their issues, even in today's world.

### **What the Law says, but what is done and what needs to be done?**

The principle of gender equality is firmly ingrained in the Indian Constitution, through its Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles.<sup>53</sup> Not only does the Constitution ensure equality for women, but it also grants the State the authority to take affirmative action in support of women. India has further solidified its commitment to upholding women's equal rights on an international stage by supporting several international conventions and human rights agreements<sup>54</sup>. Of particular significance is India's acceptance of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993.<sup>55</sup>

The Indian Constitution includes several key provisions that pertain to women's rights. For instance, it ensures equality before the law for women, as stipulated in Article 14. Additionally, Article 15 (1) of the Constitution prohibits the State from discriminating against any citizen based on factors like religion, race, caste, sex, place of birth, or any combination of these. Furthermore, Article 15 (3) empowers the State to enact special measures in support of women and children.<sup>56</sup>

While women can be victims of various crimes like murder, robbery, or cheating, offences that specifically target women are categorized as "Crimes against Women."<sup>57</sup> The crimes identified Under the Indian Penal Code (IPC), rape (Sec. 376 IPC, torture, both mental and physical (Sec.

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<sup>53</sup> <<https://www.im4change.org/siteadmin/tinymce//uploaded/Constitutional%20&%20Legal%20Rights.pdf>>  
Accessed on 27<sup>th</sup> August 2023

<sup>54</sup> *ibid*

<sup>55</sup> <<https://www.im4change.org/siteadmin/tinymce//uploaded/Constitutional%20&%20Legal%20Rights.pdf>>  
Accessed on 27<sup>th</sup> August 2023

<sup>56</sup> *ibid*

<sup>57</sup> *ibid*

498-A IPC), Molestation (Sec. 354 IPC), Sexual Harassment (Sec. 509 IPC), indecent representation of Women (Prohibition) Act, 1986.<sup>58</sup>

Also, special initiatives are taken by the government to form, various committees for the overall improvement of the conditions of women, like The National Commission for Women<sup>59</sup>, established by the government in January 1992, is a legally mandated institution. Its primary mission includes the examination and oversight of all issues concerning the constitutional and legal protections afforded to women. This entails reviewing existing laws and proposing amendments as deemed essential, among other responsibilities. It also provides for helplines for women in distress.<sup>60</sup>

The Criminal Amendment Act, of 2013<sup>61</sup> was enacted in the wake of the Nirbhaya Gang rape.<sup>62</sup> This Act, was legislated for amending, The Indian Penal Code, 1860, the Evidence Act of 1860, the Code of Criminal Procedure 1973, and the Protection of Children from Sexual Offences Act, 2012.

The Indian Penal Code (IPC) contains several provisions aimed at safeguarding the rights and interests of women. These provisions cover a wide range of issues, including violence against women, sexual offences, and the protection of women's dignity. The concept of Zero FIR (First Information Report) was added after the recommendation of the Justice Verma Committee<sup>63</sup>, which was formed after the horrific Nirbhaya gang rape case<sup>64</sup> When a complaint about a crime is made to a police station, and it's discovered that the alleged offence falls under the jurisdiction of another police station, the receiving station initiates an FIR without assigning a regular FIR number.<sup>65</sup>

This initial report is known as a Zero FIR. The purpose of a Zero FIR is to kickstart the legal process promptly, ensuring that no time is wasted due to jurisdictional issues.<sup>66</sup> Once the Zero

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<sup>58</sup> *ibid*

<sup>59</sup> The National Commission for Women <<http://ncw.nic.in/>> Accessed 26<sup>th</sup> August 2023

<sup>60</sup> <<http://www.ncw.nic.in/helplines>> Accessed 26<sup>th</sup> August 2023

<sup>61</sup> National Commission of women <<http://ncw.nic.in/>> Accessed on 27<sup>th</sup> August 2023

<[http://ncw.nic.in/sites/default/files/The\\_Criminal\\_Law\\_Amendment\\_Act\\_2013\\_0.pdf](http://ncw.nic.in/sites/default/files/The_Criminal_Law_Amendment_Act_2013_0.pdf)>

<sup>62</sup> *Mukesh & Anr v State for Nct of Delhi & Ors* (2017) 6 SCC 1

<sup>63</sup> <<https://prsindia.org/policy/report-summaries/justice-verma-committee-report-summary>> Accessed on 27<sup>th</sup> August 2023

<sup>64</sup> *Mukesh & Anr v State for Nct of Delhi & Ors* (2017) 6 SCC 1

<sup>65</sup> Manipur violence: What is a Zero FIR and why it is registered <<https://indianexpress.com/article/explained/everyday-explainers/what-is-zero-fir-why-it-is-registered-8854310/>> By Explained Desk Accessed on 27<sup>th</sup> August 2023

<sup>66</sup> *ibid*

FIR is filed, it is transferred to the appropriate police station with jurisdiction, where a new FIR is registered, and the investigation begins afresh. This process helps ensure that complaints are taken seriously and acted upon without unnecessary delays.<sup>67</sup>

Since the beginning of the violence, there have been a substantial number of Zero FIRs registered at the Saikul police station, totalling 202 cases. Similarly, in the Churachandpur police station, a significant number of over 1,700 Zero FIRs have been filed. Furthermore, the Kangpokpi police station has recorded more than 800 such FIRs, primarily for offences occurring across various areas within Imphal.<sup>68</sup> In line with the suggestions put forth by the Justice Verma Committee, substantial modifications were incorporated into the Indian Penal Code of 1860<sup>69</sup>, the Code of Criminal Procedure of 1973<sup>70</sup>, and the Indian Evidence Act of 1872<sup>71</sup> via the Criminal Law (Amendment) Act of 2013<sup>72</sup>. These revisions were aimed at fortifying the legal provisions concerning violence against women, making them more rigorous and comprehensive in addressing the issue.<sup>73</sup>

The legal consequences for offences such as rape, sexual harassment, stalking, voyeurism, acid attacks, and indecent behaviours like verbal harassment and inappropriate physical contact have been heightened<sup>74</sup>. Additionally, the definition of rape has been expanded to encompass acts of non-penetrative sexual assault.<sup>75</sup>

The legal provisions concerning aggravated rape have been broadened to encompass a range of circumstances. This now includes rape committed by individuals in positions of authority, by armed forces personnel deployed in specific regions, rape occurring amid communal or

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<sup>67</sup> Manipur violence: What is a Zero FIR and why it is registered

<<https://indianexpress.com/article/explained/everyday-explainers/what-is-zero-fir-why-it-is-registered-8854310/>> By Explained Desk

<sup>68</sup>In Manipur, a fresh challenge for police: Scores of zero FIRs by Sukrita Baruah

<<https://indianexpress.com/article/india/in-manipur-a-fresh-challenge-for-police-scores-of-zero-firs-8856512/>> Accessed on 27<sup>th</sup> August 2023

<sup>69</sup> The Indian Penal Code 1860, <<https://ltdashboard.legislative.gov.in/sites/default/files/A1860-45.pdf>> Accessed on 26<sup>th</sup> August 2023

<sup>70</sup> the Code of Criminal Procedure of 1973 <<https://ltdashboard.legislative.gov.in/sites/default/files/A1974-02.pdf>> Accessed on 26<sup>th</sup> August 2023

<sup>71</sup> The Indian Evidence Act, 1872 <<https://ltdashboard.legislative.gov.in/sites/default/files/A1872-01.pdf>> Accessed on 26<sup>th</sup> August 2023

<sup>72</sup> The Criminal Amendment Act 2013, <[https://prsindia.org/files/policy/policy\\_committee\\_reports/1359132636-Justice%20Verma%20Committee%20Report%20Summary\\_0.pdf](https://prsindia.org/files/policy/policy_committee_reports/1359132636-Justice%20Verma%20Committee%20Report%20Summary_0.pdf)> Accessed on 26<sup>th</sup> August 2023

<sup>73</sup> Criminal Law (Amendment) Act 2013

<<https://evaw-global-database.unwomen.org/en/countries/asia/india/2013/criminal-law-amendment-act-2013>> Accessed 26<sup>th</sup> August 2023

<sup>74</sup> ibid

<sup>75</sup> ibid

sectarian violence, and instances involving women who are unable to provide consent.<sup>76</sup> The penalty for gang rape and causing serious injury to the victim resulting in her remaining in a vegetative state has been increased.<sup>77</sup> Sentences for rape convicts, including life-term and death sentences have been also increased.<sup>78</sup> “Insertion of new provisions casting a duty on all hospitals public, and private run by the Central Government or State Government to provide first aid or medical treatment free of cost to victims of any offence defined under Sections 326, 375 ad 376 (acid attack and rape)”.<sup>79</sup>

The International Covenant on Civil and Political Rights (ICCPR)<sup>80</sup> forbids the use of torture and any other acts that inflict severe suffering, degrading treatment, or inhuman treatment. Along with ICCPR, The Government of India has also ratified the four Geneva Conventions of 1949<sup>81</sup>. Under Common Article 3 of the Geneva Conventions, which is relevant to conflicts within a single country, it is explicitly prohibited for both government and militant forces to engage in acts like murder, torture, and ill-treatment of civilians.<sup>82</sup> Rape, in this context, is also prohibited by Common Article 3, as it is considered a form of cruel treatment and an affront to an individual's personal dignity.<sup>83</sup>

The 1993 Declaration on the Elimination of Violence against Women<sup>84</sup> marked a significant milestone as the inaugural global agreement that explicitly tackled the issue of violence against women. It laid out a comprehensive framework for guiding both national and international efforts to combat this pervasive problem.<sup>85</sup>

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<sup>76</sup> *ibid*

<sup>77</sup> Read Aruna Shanbag's case. The Aruna Shanbaug case which changed euthanasia laws in India <<https://economictimes.indiatimes.com/news/politics-and-nation/the-aruna-shanbaug-case-which-changed-euthanasia-laws-in-india/living-in-a-coma/slideshow/63231065.cms>> Accessed 27<sup>th</sup> August 2023

<sup>78</sup> Criminal Law (Amendment) Act 2013 <<https://evaw-globaldatabase.unwomen.org/en/countries/asia/india/2013/criminal-law-amendment-act-2013>> Accessed 27<sup>th</sup> August 2023

<sup>79</sup> *ibid*

<sup>80</sup> The International Covenant on Civil and Political Rights <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>> Accessed on 27<sup>th</sup> August 2023

<sup>81</sup> Geneva Convention and their Commentaries, <<https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>> Accessed 27<sup>th</sup> August 2023

<sup>82</sup> Rape In Kashmir: A Crime of War by Asia Watch & Physicians for Human Rights A Division of Human Rights Watch <<https://www.hrw.org/sites/default/files/reports/INDIA935.PDF>> Accessed 27<sup>th</sup> August 2023 <<https://www.hrw.org/>> Accessed 27<sup>th</sup> August 2023

<sup>83</sup> *ibid*

<sup>84</sup> Global norms and standards: Ending violence against women <<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards>> ; Declaration on the Elimination of Violence against Women <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>> Accessed 27<sup>th</sup> August 2023

<sup>85</sup> *ibid*

The Beijing Platform for Action of 1995<sup>86</sup> outlines a set of concrete measures that governments should adopt to prevent and address violence against women and girls.<sup>87</sup> It designates ending violence as one of its 12 top priority areas.<sup>88</sup> In 2020, a comprehensive report by UN Women conducted a thorough evaluation, revealing that over 80 percent of countries, out of a total of 166, had reported successful action in the preceding five years toward implementing and enforcing laws against violence against women. Moreover, 87 percent of countries had either introduced or enhanced support services for survivors of violence.<sup>89</sup>

The Statute of the International Criminal Court includes rape and some other forms of sexual violence in the list of war crimes and in the list of acts that constitute crimes against humanity when committed as part of a widespread or systematic attack directed against any civilian population.<sup>90</sup>

It's important to note that the legal landscape regarding women's rights and gender-based violence is evolving, and legal reforms and discussions continue to shape the Indian legal system's approach to protecting and promoting women's rights. However, there is often a disconnect between what the law says, what is done on the ground, and what still needs to be accomplished.

In the Manipur case, the Police took almost 14 days to lodge a zero FIR<sup>91</sup>. It's reported that during the sexual violence incident, police were present but they did nothing.<sup>92</sup> Several cases go unreported due to the fear of the police, themselves. Laws are definitely enacted for the justice of the aggrieved but the path is filled with numerous obstacles. What about the obstacles

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<sup>86</sup> 'Beijing Declaration and Platform for Action' <<https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>> Accessed on 27<sup>th</sup> August 2023

<sup>87</sup> 'Global norms and standards: Ending violence against women' <<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards>> Accessed on 27<sup>th</sup> August 2023

<sup>88</sup> *ibid*

<sup>89</sup> 'Global norms and standards: Ending violence against women' <<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards>> Accessed 27<sup>th</sup> August 2023

<sup>90</sup> The International Committee of The Red Cross 'Q&A Sexual Violence in Armed Conflict', Article 19<sup>th</sup> August 2016 <<https://www.icrc.org/en/document/sexual-violence-armed-conflict-questions-and-answers>> Accessed 27<sup>th</sup> August 2023 <[www.refworld.org](http://www.refworld.org)> Accessed 30<sup>th</sup> August 2023

<sup>91</sup> Manipur horrific video: 'Why did police take 14 days to file zero FIR,' SC asks govt <<https://www.businesstoday.in/latest/story/manipur-horrific-video-why-did-police-take-14-days-to-file-zero-fir-sc-asks-govt-392035-2023-07-31?onetap=true>> Accessed 27<sup>th</sup> August 2023

<sup>92</sup> Yaqut Ali 'Manipur Police Were Present, But Didn't Help Us': Women in Harrowing Video Tell 'The Wire' <<https://thewire.in/rights/manipur-police-women-video-paraded-naked>> Accessed 27<sup>th</sup> August 2023

that come in between the implementation of the Law? It is crucial that due procedure must be followed and crimes against women dealt with utmost seriousness.

The two most important steps to be taken by the authorities are awareness and proper application of the law. Also, gender sensitization programmes and exercises should be part of training and curriculum of various employment and education systems.

## CONCLUSION AND WAY FORWARD

It is imperative that victims of sexual violence are afforded humane treatment, with a commitment to preserving their privacy and upholding the strictest standards of confidentiality. Equally important is ensuring the safety of survivors and taking proactive measures to prevent any potential future harm.<sup>93</sup>

Creating an environment where victims feel secure and protected is fundamental to encouraging them to seek help and pursue justice.<sup>94</sup> Rape-induced pregnancies can drive victims to resort to unsafe abortion methods, endangering their lives<sup>95</sup>.

Hence proper and timely treatment of the victims is the need of the hour.

As part of the legislation, torture should be defined in Indian law in a manner consistent with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>96</sup> and the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>97</sup> and implement the Convention into national law without making any reservation.<sup>98</sup>

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<sup>93</sup> 'Q&A: sexual violence in armed conflict' 19<sup>th</sup> August 2016  
<<https://www.icrc.org/en/document/sexual-violence-armed-conflict-questions-and-answers>>  
Accessed 27<sup>th</sup> August 2023

<sup>94</sup> *ibid*

<sup>95</sup> *ibid*

<sup>96</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment <<https://legal.un.org/avl/ha/catcidtp/catcidtp.html#:~:text=The%20Convention%20against%a%20and,been%20ratified%20by%2020%20States>> Accessed 27<sup>th</sup> August 2023

<sup>97</sup> Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Adopted 18<sup>th</sup> December 2002 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>>  
Accessed 27<sup>th</sup> August 2023

<sup>98</sup> India: "Denied": Failures in accountability for human rights violations by security force personnel in Jammu and Kashmir <<https://www.amnesty.org/en/documents/asa20/1874/2015/en/>> July 1, 2015 Index Number: ASA 20/1874/201 Accessed 27<sup>th</sup> August 2023



One of the most crucial recommendations to combat gender-based violence is to launch extensive awareness campaigns regarding existing laws and to foster gender sensitization throughout the nation. These campaigns should target both the general population and those within the legal and law enforcement sectors.

It is completely unfathomable, that with what right, can anyone exploit and violate another human being to such an extent? A thought to ponder.

The violence against women in Manipur is not an isolated issue but a reflection of a global struggle against gender-based violence.

In a world striving for progress and equity, we must recognize that our collective success is hindered when a significant portion of our community is held back. It is incumbent upon us to stand in solidarity with those who face oppression and discrimination, lending our voices to their cause. By doing so, we not only bring attention to their struggles, those who are rendered voiceless. As aptly said by Malala Yousafzai<sup>99</sup> “I raise up my voice, not so I can shout but so that those without a voice can be heard...we cannot succeed when half of us are held back”<sup>100</sup>

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<sup>99</sup> Malala Yousafzai received the Nobel Peace Prize in recognition of her relentless advocacy for the universal right to education for all children. In a harrowing incident in 2012, Malala was targeted by a Taliban attacker while riding a school bus, sustaining a gunshot wound to the head. Despite this grave assault, she survived but was forced into exile in England due to the issuance of a fatwa against her.

<<https://www.nobelprize.org/prizes/peace/2014/yousafzai/facts/>>

Accessed 27<sup>th</sup> August 2023

<sup>100</sup>Quote by Malala Yousafzai <<https://www.goodreads.com/quotes/850987-i-raise-up-my-voice-not-so-i-can-shout-but>> Accessed 27<sup>th</sup> August 2023