

VIOLENCE AGAINST WOMEN IN INDIA: AN ASSESSMENT OF LEGAL PROTECTION MECHANISM

Written By Zakiya Sanu

5th Year BA LLB Student, Amity Law School, Noida, India

ABSTRACT

The phrase "ferocity against women in India" refers to the frequent physical or sexual abuse of Indian women by men. The most prevalent acts of violence against women in India include rape, murder, and domestic abuse. In India, crimes against women like as assault, corrosive tossing, share killings, honour killings, and the confined prostitution of young children have all been documented. According to police data in India, crimes against women are committed frequently. The real summary has been examined for bias. This cruel kind of brutality and deformity can affect women of any class, station, creed, or religion. In India, violent behaviour toward women at home is regarded as abuse that may be dangerous; it can also be physical, mental, or sexual abuse to any current or former partner. The Dowry Prohibition Act, passed by the Indian government in 1961, made endowment expectations in wedding arrangements illegal. However, numerous instances of settlement-related domestic violence, suicides, and homicides have been documented.

INTRODUCTION

Women's rights and liberties are fundamental freedoms. Since their birth, many women all throughout the world have experienced inequality, exploitation, and brutality. Every woman is entitled to the freedom to recognise and realise her potential and opportunities, as well as the individual flexibility to freely choose how many and where to have their children. This entitlement includes the right to personal security. However, due to the imbalances and segregation based on orientation that are still prevalent throughout the world, many women do not receive the proper care or training, their experiences go unheard, they are forced into prostitution, and their lives are threatened by brutality, remembering brutality for their own homes. Women's security is seriously threatened by the rise in online crime and sexual exploitation of women. However, since women make up 50% of the population, it is impossible to imagine how any country might advance if women and their rights are ignored.

WHAT IS VIOLENCE?

Violence is a worldwide phenomenon resulting in more than 1.6-million-year deaths in every year. While no nation is immaculate by violence, by far most of its resultant deaths happen in low-to centre pay nations, a considerable lot of which are blasted with unseen struggles. Notwithstanding, it ought to be remembered that fierce deaths can't just be credited to war, and over 80% of such deaths happen beyond equipped conflicts.

In Urban Areas, Criminal Activity and violence has enhanced. Death constitutes a part of the health and societal burden which can be associated to violence and its outcome can be non – fatal, psychological and sexual abuse. Violence possesses a massive and heavy burden on justice system, health, public and social welfare services and the economy and wealth of the communities. As violence being a complicated phenomenon, there is no clear and precise definition of violence. So, it has various definitions and is understood differently people in different circumstances and conditions.

Savagery in a real sense implies shock or injury. It is set apart by extraordinary actual power. Savagery is an unlawful activity of power. At the point when an individual ends up being

enraged and continues to hurt the casualty genuinely it is called savagery. Viciousness of the assailant might prompt actual injury in the person in question.ⁱ

In the current society savagery has been an everyday and usually utilized term. In the most present day socialized society as well as ignoble ones savagery has turned into an everyday undertaking. During the most recent couple of many years, savagery has such an excess of expanded in every single society that social researchers, sociologists and social activists have been extraordinarily perturbed.

The harmony and thriving of a large portion of the countries of the world have been upset in a more noteworthy or lesser degree because of the presence of viciousness in the general public. As one turns the pages of different news papers, magazines or switches on the TV fresh insight about brutality stream. Hence clinicians and sociologists as of late stand out to the review and control of viciousness in a general public.

The term brutality has been depicted by Gelles (1979) as a demonstration of hitting an individual with the goal of inflicting damage or injury yet not really causing it.ⁱⁱ

The injury because of brutality might be physical, social and mental. It severe sense the results of rough way of behaving may likewise prompt mental injury like affront, misery and despondency. A sales rep makes postpone in providing you the materials you need. You become fretful when you observe that he is obliging someone else who came after you, however making you pause. In this way there is contention among you and the sales rep, he incites you and you on the double give two smacks all over. This is an instance of brutality which didn't cause him much actual injury however hurt him intellectually. Brutality is a hostility of upgraded degree. It is more actual which has additionally repercussions on the psychological level of the individual. In short brutality might cause actual injury and profound put off by making horrendous circumstances. In viciousness typically the casualty experiences physical and mental injury. Based on the above clarifications of the idea of viciousness, brutality can be functionally characterized as an obvious or secretive power which moves towards making physical as well as mental injury to an individual of the out gathering or foe right now who is known as the person in question.

The instances of such kinds of savagery happening everyday are murder, assault, kid misuse, lewd behavior, attack, sexual maltreatment, distort sexual demonstrations, eve prodding, actual injury, capture, snatching, kid murder, family fight prompting actual injury, attack, misuse endowment torment and any sort of unlawful, illegal, reserved movement which makes injury the brain and body of someone else, ideally the person in question. In Orissa as of late an instance of savagery was highly talked by the media and the public when an ex admirer of a woman understudy of an exceptionally rumoured school at Cuttack tossed corrosive on the face and body of the young lady.

Physical and mental torment and savagery on people for more share by the parents in law including the spouse has turned into a typical illicit relationship in many states in India. Disregarding the share forbiddance regulation avaricious individuals are not by any stretch concerned and it no affects them. The fantasy to become rich over night with the spouse's cash has become extremely normal today. The brutality is definitely not an intrinsic piece of human instinct. It is actually the case that people are equipped for committing demonstrations of savagery, however the drive to be fierce isn't inborn. Individuals are social creatures with a need to live in networks and doing that without some kind of cooperation is unimaginable.ⁱⁱⁱ

Thus, people have serious areas of strength for created against committing viciousness against different individuals from their gatherings, and this has been upheld by both social and lawful approvals. There are numerous potential explanations behind savagery in our general public. The expanded accessibility of firearms adds to viciousness since it makes it more straightforward for individuals to carry out violations, particularly murders. The savagery that is finished by the media has made individuals become more tolerating of viciousness as a powerful approach to resolving clashes. Individuals' absence of information about one another can add to brutality.^{iv}

CATEGORIES AND TYPES OF VIOLENCE AS PER WORLD HEALTH ORGANISATION

As per the World Health Organisation (WHO) definition of Violence, Violence can be divided into three categories –

- a) Cumulative Violence – It can be conceptualized as the active usage of violence by individuals who recognize themselves as a representative of a group. This group may have temporary or has non – temporary representative against the other set of people of individuals to achieve their objectives such as economic and political objectives.
- b) Communal Violence – This type of violence refers to violence entailed by other individuals or by a small group of people. Communal Violence can be further sub – divided into two categories:
 - i) Violence mainly between family and partners, such as abuse of the elderly etc.
 - ii) Violence which takes place outside home and between individuals who may not know each other. Such as rape, random acts of violence, violence in institutions, schools, colleges, workplaces etc.
- c) Self – Directed Violence – Violent Acts done by a person upon herself or himself which includes suicidal behaviour, thoughts as well as self-abuse.^v

The three categories of Violence can be further be divided into 3 types of Violence^{vi} –

- a) Sexual Violence – An act which is sexual being attempted or committed against a victim who has not given consent or who is of unsound mind or is unable to give his/her consent. A perpetrator coercing a victim to involve or engage in sexual acts with a third party. This type of violence can also lead to serious physical harm and effect on mental health.
- b) Psychological Violence – It includes use of verbal and non – verbal communication with the intention to harm another person emotionally or mentally. Psychological Violence can result in various mental traumas such as depression, anxiety, post – traumatic stress disorder and other physical and mental disorders and problems.
- c) Physical Violence – It means use of physical force to harm the other person which may result in harm, death, disability or injury. For instance – if an individual is victim of physical violence at home, he or she may suffer from serious mental health problems.

VIOLENCE AND CRIME: A DISTINCTION

One should not confuse of the word ‘Violence’ and ‘Crime’ as they are often used interchangeably. Crimes are violent and non – violent as well. Violent Crimes such as rape, murder, assault. Non – Violent Crimes such as usage of drug etc.

All types of violence are not criminal such as psychological violence. Crime can be defined as the contravention of the law and act of deviation from established rules or non – compliance of an action required by law.

Violence can be defined as an act of physical hostility and aggression that may result in harm.^{vii}

VIOLENCE AGAINST WOMEN

Brutality against women is prevalent from the history to a large extent which is still practiced without any positive change. Violence against women refers to sexual or physical violence committed on women. Most of the violent acts are committed by the men and in few cases, women might be engaged in it as well. The common forms of violence against women are:

- i) Homor Killing
- ii) Domestic Violence
- iii) Forced Prostitution
- iv) Sexual Assault

From many years, women are victims of violence in all regions, societies, religious, and cultural communities. They have to face various types of violence such as physical, public, domestic, emotional, social, mental. Throughout the Vedic period, women were enjoying a comfortable position, but the condition of women got gradually declined because of the practice of violence against women all throughout the country. With the incrementation of violence against women they started to lose their economic, political, educational, social, cultural and other opportunities in the society. Restrictions were made in their normal lifestyle like – wearing dress of their own choice, marriage, healthy diet etc. Enormous efforts were made by male dominated country to make women obedient and limited. Women in India started to being used as a material or object for the men to carry out different functions of daily life

routine. The Culture in India for women is to understand their husband as a God, be depended on their husband and keep fast for their wellness. Widows were prohibited from ^{viii}getting remarried and were required to adhere to the sati pratha. Once girls were forced to work as devadasis in the temple, violence against women increased dramatically. Men believed it was okay to strike women with a bamboo stick or string. Women were first used as slaves and prostitutes; prostitution was regarded as an aspect of religion. Early marriage was required of girls, who were also required to adhere to the pardah system. Additionally, polygamy had deep historical roots in the community. In the society, there was also a lot of major violence, such as the dowry system, female infanticide, and bride killings. The lack of educational possibilities, child sexual abuse, young marriages, forced marriages, bride-burning, disregard for elderly family members, rapes, and other forms of sexual harassment still affect women.^{ix}

The entire society is being impacted by violence against women. The Indian Penal Code defines a number of acts of violence against women as crimes, including kidnapping, torture, abduction, rape, dowry deaths, the importation of females, molestation, child trafficking, and sexual harassment. Violence is the act of physically harming another person.

Rape, Kidnap, Abduction are the criminal violence against women. Domestic Violence against women is sexual abuse, dowry deaths etc. Social Violence cases such as forcing widow to commit sati, eve – teasing etc. Violence may include verbal abuse and mental or psychological stress to the other person or the victim without actually hitting the person which causes injury to the mind and harms the reputation. As Ferocity against women in the society is increasing in frequency and it is creating a huge pressure and massive responsibility on the social workers to make the women to be responsible, independent, and empowered so that they can understand their rights and take hold of the benefits. An incident of brutality against women which happened in Delhi in 2012, horrific, cruel and barbaric gang rape of a 23-year-old woman. An immense crows of angry people came out on the street to call for a change. One of the main reasons for violence against women is feeble and weak rule of law, ineffective legal system, social and political structures, male dominated society. If we look deeper into it, the emergence of violence against women begins at by relatives, family, neighbors, and others, especially in rural areas. Depending on the region, culture, and traditions of the population and society, women's conditions vary across the nation. Because to sex-selective abortions and ignoring the birth of girls, there is a significant drop in the percentage of female children. Women in India

are dangerous in their marital home, according to study and data from the National Crime Records Bureau.^x

As per the findings of World Health Organisation about 1 in 3 women experience physical or sexual brutality. This experience imposes a negative impact on women's mental, sexual, physical and reproductive health and they may acquire HIV.

Generally, 39% of murders of ladies are finished or serious by their better half or the male personal accomplice. How much women participate in open life, that is being outside the home, shifts by region and establishment. For example, the Rajputs, a patrilineal family having bits of India, especially the north-western district, have commonly practiced ghunghat, many really straight up to the current day. Lately in any case, more women have started to challenge such acknowledged rehearses: for instance, women in common Haryana are dynamically excusing the ghunghat. In India, most people (around 66%) is natural, and, in this way, lives in extremely close organizations where it is outstandingly basic for a woman to obliterate her family's 'honor' through her approach to acting. The possibility of family honor is especially unavoidable in northern India. Izzat is a decent thought overwhelming in the lifestyle of North India and Pakistan. Izzat applies to the two sexes, yet in different ways. Women ought to keep up with the 'family honor' by being unobtrusive, inactive and obliging, while men should serious solid areas for and be willing and prepared to control the women of their families. The commonplace locales enveloping Delhi are among the most secure in India: it has been evaluated that 30% of all honor killings of India happen in Western Uttar Pradesh, while Haryana has been depicted as "one of India's generally moderate with respect to station, marriage and the occupation of women. Significantly male driven, position perfection is preeminent, and connections are coordinated to help the same old thing." Following a couple of brutal attack attacks in the capital city of Delhi, examines held in various metropolitan networks uncovered that a couple of men acknowledged women who dressed provocatively reserved the privilege to get attacked; an enormous number of the journalists communicated women prompted men to attack them. Bad behavior against women like attack, destructive throwing, share killings, honor killings, and the obliged prostitution of young children has been represented in India. Police records in India show a high event of bad behaviors against women. The Public Bad behavior Records Division definite in 1998 that by 2010 advancement in the speed of infringement against women would outperform the general population improvement rate. Earlier, various bad

behaviors against women were not paid all due respects to police on account of the social shame joined to attack and assault. Official estimations show an electrifying extension in the amount of uncovered infringement against women^{xi}

CAUSES OF VIOLENCE AGAINST WOMEN^{xii}

1. Gender Inequality – it is profound causes of brutality and ferocity against women that put women under several forms of violence. Gender inequality and discriminatory against gender results into structural disparity and inequality.
2. Sociological Factor – Patriarchy is said to be one of the main causes of brutality against women. Societies where husband has a lower status than women, there are greater chances of violence.
3. Cultural and Traditional Practices – Practices such as honor killing, early marriages, acid attacks are some common cultural and traditional practices.
 - Honor Killing – To uphold the honor of the family due to various reasons such as adultery, falling in love with an individual out of the caste or whom the family disapproves.
 - Early Marriages – Early marriage constitutes a form of violence either with or without consent of the girl.
 - Acid Attacks – It has come out as the most accessible weapon to kill and disfigure women for reasons such as inability to meet the dowry demands , rejecting the marriage proposals etc.
4. Regular Consumption of alcohol – Consumption of alcohol by the male partner always results in violence against women which in turn deteriorates the mental and physical health of the women. ^{xiii}

CONSEQUENCES OF VIOLENCE AGAINST WOMEN

1. Development Issue – Due to violence, women get clog and are not able to participate in planning programs both at larger and smaller level. It averts women from having

access to the benefits of development by limiting or restricting their ability to move freely or to act. Violence is an obstruction to poverty alleviation programs as it hinders equal circulation of resources.

2. Economic Issue – Violence can have a major and huge impact on economy of the nation as well as the household. Violence may result in lack of healthcare, loss of income, impact on the development of the children’s well-being, child and female mortality.
3. Mental and Emotional Health Consequences – There is a positive relationship between violence and mental health problems and issues. Women who face violence they have more psychological effect than physical effects on them. Women who face they tend to experience multi – trauma. Psychological effects and traumas such as confusion, post traumatic stress disorder, extreme fear, depression etc. The other outcomes of violence are – consumption of drugs, health damaging actions and behaviours.
4. Health and well – being Consequences – Woman and girls have a very major health and well being consequences due to the violence they face. A woman can have a negative effect of the violence which she may have faced or experienced. It is evident to note that any form of violence such as physical or sexual violence tends to have a long – term effect on the victim. The health and well being consequences of violence and abuse varies as per the types and extremity of brutality and ferocity. The extremity of abuse and violence can affect the daily life of a woman or can even lead to death of a woman.
5. Physical Health Consequences – Physical abuse has a major impact on the victim. Injuries such as dislocations and fractures and injuries on head, face, neck, abdomen are common location of injuries. Physical violence may also result in severe health conditions like indigestion, diarrhoea etc.^{xiv}

TYPES OF VIOLENCE AGAINST WOMEN^{xv}

1. Domestic Violence – Presence of Domestic Violence is almost in every society. There are various types of methods that adopted or used by the culprits against the victim or women. Most common kind of abuses which are faced by the victims are – economical abuse, emotional abuse, physical abuse, psychological abuse. Domestic Violence is

prevalent in both developing and developed countries. Deaths are taking place on a very frequent rate due to the domestic violence. Factors which lead to domestic violence are – male dominated society, illiteracy. Many cases regarding domestic violence are unnoticed and unregistered.^{xvi}

2. Acid Attack – It is an atrocious kind of crime which makes the life of the victim dejected. This is basically done by the person who cannot take rejection in their life and they decide to destroy the other person's life. Because of such culprits around the globe, such type of violence is itself a threat to the society at large and it is increasing day by day. It has a lot of consequences such as psychological effects and medical effects. Psychological effects such as frustration, post-traumatic stress disorder. Medical effects such as hair lost, skull, lips, cheeks destroyed partially. It can even lead to death of the victim.

A Thomas Reuters Foundation outline says that India is the fourth most dangerous spot on earth for women to live in. The genuine outline has been denounced for tendency. Women having an honest spot with any class, station, explanation or religion can be overcomers of this savage sort of violence and misshapening, an arranged bad behavior expected to kill or deform forever and go probably as a representation to deal with a woman. In India, destructive attacks on women who thought for even a second to dismiss a man's recommendation of marriage or mentioned a partition are a kind of retaliation. Destructive is unobtrusive, successfully open, and the speediest technique for wrecking a woman's life. The amount of destructive attacks has been rising.^{xvii}

3. Dowry – It is a social wrong that causes unspeakable tortures and crimes against women and pollutes the martial system of the society. At the time of marriage, payment is made in cash or kind to bride's in law which is known as dowry. In certain cases, the bride's in law demand a higher amount of money from the bride and for that demand they torture, beat the bride which may even lead to death of the bride or the victim. Impact of dowry system leads to –
 - i. Deteriorating the career of women – the low existence of women at the workplace is because of the practice of the dowry system.
 - ii. Due to high demand of pre marriage dowry from the bride's parents, women end up being unmarried as bride's parents cannot fulfil the pre marriage dowry demand.

- iii. Women are considered as an object, and they are treated as an investment for making money in the name of dowry.^{xviii}
4. Rape – Rape is a form of sexual assault which includes sexual intercourse carried out with a person without their consent or assent. It may be done by coercion, physical force, false promises etc. It is done by the perpetrator with the victim who is unable of giving assent or consent such as someone who is of unsound and unconscious mind. Some define rape as a form of sexual assault while other consider it as a form of sexual violence. There are different types of rape committed by the perpetrator such as gang rape, date rape, marital rape, child sexual abuse etc.^{xix}
5. Eve – Teasing – It is prevalent almost everywhere in the society. It is a kind of molestation or sexual harassment of women by men. It is believed that the reason behind eve teasing is the clothing of women but it is also evident that women who wear fully covered dress like women who wear burqa are also the victim of eve teasing.^{xx}

LEGAL PROVISIONS FOR VIOLENCE AGAINST WOMEN

1. Protection of women from domestic violence act, 2005

This act plays a vital part for guarding the rights of the women so that they feel safe and defended in their own house. It provides relief to the dissatisfied person, provides duties and powers of the authorities, process of filing a complaint regarding domestic violence, backing given to the dissatisfied person or victim of domestic violence. This act also provides civil remedies to the dissatisfied person analogous as injunctions, roof orders and protection orders. This act consists of 5 chapters and 37 sections in total. The description of Domestic Violence has been specified under Section 3 of the Act. It provides the constituents of Domestic Violence. The constituents are –

- A) Injuries or damages to the dissatisfied person either physical or internal which tends to beget physical abuse, internal abuse, cerebral abuse, profitable abuse, sexual abuse, verbal abuse.
- B) Harms or harasses the dissatisfied person or any other person related to the dissatisfied person to meet any demand which is unlawful for property security or dowry.

Some Important Provisions of the Act –

- i) Protection Officers – Section 8 of the Act prescribes the appointment of the protection officers. They are appointed by the State Government as many as they think fit in each of the district and as far as possible the protection officer shall be women and shall possess the experience and qualifications which is required to become a protection officer. Work of the protection officer is to report to the magistrate the domestic violence incident and forward copies of the same to the police officer in charge of the police station in the jurisdiction where the incident took place. If the victim has any bodily injuries, it is the duty of the protection officer to get their medical check up done. Protection officer shall also make sure that the victim is being provided free legal aid services and order of the monetary relief is being complied with.
- ii) Service Providers – Section 10 of the Act prescribes the functions, powers, and duties of the service providers. The Powers and functions of the service providers is like that of the protection officers but a slight difference. The service providers should get the victim medically examined and forward the report to the protection officers, magistrate and the police station of the jurisdiction where the incident took place. It is also the duty of the service providers to make a report of the incident of the domestic violence incident and send it to the protection officer or magistrate.

There are certain orders in the Act namely –

- a. Protection Orders – If the Magistrate is satisfied that the act of domestic violence has been committed on the victim than a protection order may be pass in the favour of the victim or aggrieved person to prevent the accused or the respondent from abetting or committing the acts of domestic violence.
- b. Residence Orders – Section 19 of the Act deals with Residence Order. If the magistrate is satisfied that the act of domestic violence has been committed on the aggrieved person than the magistrate may pass a residence order in favour of the aggrieved person to refrain or restrain

the respondent for disturbing the possession of the aggrieved person in the shared household.^{xxi}

2. *The Indian Penal Code, 1860*

In the protest of Delhi Gang Rape which happened on 16th December 2012. In the light of this incident the Criminal Law (Amendment) Act, 2013 came into effect. The Amendment Act focuses on Violence Against Women and tends to provide strict sanctions to the accused or perpetrators. The Amendment Act attempts to provide punishable offence for the police officers who fails to register First Information Report (FIR). It also addresses sanctions of other forms of crime such as – stalking, outraging a women's modesty, voyeurism, human trafficking and acid attacks.

By the purview of the Amendment Act, 2013, the definition of rape has been newly added and it has very specific terminologies and the offence of rape has been kept to a particular gender that is only committed by the men. A person who has committed rape will be punishable for seven years which may extend to life imprisonment with fine, but if it is committed by a public servant or police officer in custody, by a relative, or by someone who is in a position of authority or trust then they will be punished with ten years imprisonment and with fine. If the act leaves the victim in a vegetative stage or leads to a victim's death, then the punishment would be for seven years which may extend to life imprisonment.

Some new offences have been inscribed in the act such as – Sexual Harassment, Stalking, Voyeurism.

For trafficking of a minor, the punishment would be for ten years which may extend to life imprisonment with fine and if trafficking is done of more than one minor than penalty would be of fourteen years, and which may extend to life imprisonment with fine. If a person voluntarily throws acid with the intent of causing damage than the penalty would be of five to seven years. An acid attack that causes damage or harm to the victim will be punishable for a minimum term of ten years imprisonment which may extent to life imprisonment. By the virtue of 2013 Amendment there is also punishment for non – treatment of victims by the in charge of a hospital either public or private, imprisonment term would be for one year or fine. In rape case and acid attacks victims are to be provided free medical treatment and the hospital authorities

should inform the police immediately. Capturing images of women when she is engaging in a private act such as use of lavatory, sexual acts etc is punishable under this act.^{xxii}

3. *Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994)*

In view of social discrimination against women and preferences towards have led to inclination of female foeticide and incrementation of sex ratio of the men in the country. Keeping in view this condition, Pre – Conception and Pre – Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 was enacted with the intention to restrict the pre – natal diagnostic techniques for discovery of the sex of foetus leading to female foeticide. This act ensures that ultrasound and amniocentesis are used only for the purpose to identify metabolic disorders, genetic abnormalities, sex– linked disorders etc. The person conducting the pre -natal diagnostic techniques or any other person shall not disclose the sex of the foetus to the pregnant lady or to her relatives by words or any other methods.^{xxiii}

4. *The Indecent Representation of Women (Prohibition) Act, 1986*

Indecent Representation means portrayal or depiction in any method or manner of figure of a woman as to be stated as indecent or which tend to corrupt the public morals. This act prohibits advertisements which depicts or contains Indecent Representation of Woman, Restrains, or prohibits publication which contains Indecent Representation of Woman.

Indecent Representation of Woman (Amendment) Bill, 2012 was proposed to enact more powerful and effective protection to women against Indecent Representation. Since new types and forms of Communication have emerged such as multi – media, social media, it is necessary to cover all media forms. This bill tends to make more vigilant and stringent laws for Indecent Representation of Women.^{xxiv}

5. *The Immoral Traffic (Prevention) Act, 1956 is not illegal*

The repression of immoral traffic in children and women act was made applicable to the whole of India. As per the act, prostitution but it describes using of premises as a brothel for making an income via prostitution. It won't constitute an offence if the prostitution is done with consent, voluntarily and independently. Brothel means any place or house used for the purpose of sexual exploitation. This act also provides

conditions or criteria for who is known as a prostitute. It is defined as sexual exploitation for commercial gain or purpose. If an individual is involving a child in such act will be punishable with seven years imprisonment. There are certain authorities under this act such as Trafficking police officer and special police officer. They have been given power to conduct search without warrant and can release or free the victim of prostitution those who are kept are in the brothel forcefully.

For speedy disposal and trial of cases special courts have been established. These special courts are set up by the state and central government. Proceedings in special courts are held under cameras and judge has the power to give order for removal and power to evict and rescue prostitutes, they can give order for shutting down of brothels.^{xxv}

6. Hindu Marriage Act, 1955

Before the enactment of the Hindu Marriage Act, 1955, there were eight forms of ancient marriage such as –

- i) Brahma – This is the form of marriage where the father or other guardian give away the bride to the bridegroom without any consideration.
- ii) Daiva – In this form of marriage, where the father gives away his girl for the purpose of obtaining spiritual gain.
- iii) Arsha – In this form of marriage, the bridegroom gives away one or two pairs of cows to the bride's father. But after the marriage he cows and bride were given back to the groom.
- iv) Prajapatya – It is like brahma forma of marriage.
- v) Asura – This form of marriage is like a sale of daughter by the father.
- vi) Gandharva – This form of marriage is similar to what we call as love marriage in modern era.
- vii) Rakshasha – In this form of marriage, Marriage was given effect by keeping a girl forcefully after her relatives had been killed.
- viii) Paishacha – This form of marriage happens between girl and a man who has committed a crime.

After the enactment of Hindu Marriage Act, 1955 these forms of marriage were not practised. As per section 5 of the Act, there were certain conditions made for a valid marriage. With the enactment of this act the practise of polygamy was scrapped off

which is type of gain for the Hindu women. Women can also file a suit against her husband for a second marriage. This act sets a minimum age criterion for both boys and girls to get married. The age limit for boys to get married is 21 years and for girls it is 18 years of age.

The act also specifically mentions provisions regarding divorce, maintenance, matrimonial reliefs, restitution of conjugal rights. By the virtue of this act, the earlier practice of man having several wives and sons because of which women was also not able to take actions against their husband have been abolished.^{xxvi}

7. Dowry Prohibition Act, 1961

This act is applicable to all the citizens of every religion, but it does not include dower or meher. This Act is not applicable on Muslim, they are governed by the Muslim persona law. Dowry means any immovable or movable property, or any assets given to one party of marriage to the other party of marriage whether directly or indirectly. According to this act, it is a punishable offence to give and take dowry. This Act intends to prohibit take and give dowry.^{xxvii}

8. The Muslim Women (Protection of Rights on Divorce) Act, 1986

This act intends to provide privileges to Muslim Women who have acquired divorced or separated or have been divorced from their husbands.^{xxviii}

9. Hindu Succession Act, 1956

This Act provides privileges to both male and female to acquire obtain paternal property.^{xxix}

CASE LAWS RELATED TO VIOLENCE AGAINST WOMEN

A. *Raju Pandurang Mahale v. State of Maharashtra*^{xxx}

Court held that what are the ingredients which would constitute as the outrage to modesty of a woman. The Act of removing saree of a woman, or pulling a woman, it also includes a request for sexual intercourse.

B. *Delhi Domestic Working Women's Forum v. Union of India*^{xxxi}

A group of ladies were raped by army men. Criminal Injuries Compensation Board has been made after this case. There were certain guidelines regarding how someone can assist a victim and can make sure to get justice.

The guidelines are as follows –

- i) Victim should be provided with the assistance of lawyers on the arrival at police station.
- ii) Victim or complainant should be provided with legal aid and assistance.
- iii) The Police Officer should inform the victim about her rights such as right of representation before being questioned.
- iv) The details of the complainant or victim should be confidential.
- v) Criminal Injuries Compensation Board needs to be set up to compensate the victim.
- vi) Irrespective of the conviction, compensation to be awarded to the victim.

C. *Upendra Baxi v. State of Uttar Pradesh*^{xxxii}

In this case, two professors of Delhi University sent letter petition to Supreme Court stating that the Agra Woman Protective Home is in a pathetic condition. For seeking court's direction to the state government to protect the basic human rights of the inmates of the protective home which is situated at Agra.

Supreme Court gave directions that the state government and administrator to provide better living conditions to the inmates. It was directed to ensure that they do not continue to live in the inhuman and degrading conditions and that right to live with dignity guaranteed under article 21 of the Constitution of India is made real and meaningful to them.

D. *State of Himachal Pradesh v. Nikku Ram*^{xxxiii}

Dowry is given in the connection of marriage and is not a one isolated payment made at or before the time of marriage. If it continues even after marriage it will come within the ambit of dowry.

***E. Vinod Kumar v. State of Punjab*^{xxxiv}**

It was held that the Court held that the voluntarily and affectionate giving of dowry and traditional presents and gifts would be outside the ambit and purview of dowry.

***F. Pratibha Rani v. Suraj Kumar*^{xxxv}**

In this case, the concept of stridhana was looked into and the court observed that all gifts and presents including ornaments, furniture, clothes and utensils are given to the bride which falls under stridhana. These goods are for the use of the bride and not for the husband.

***G. S. Gopal Reddy v. State of Andhra Pradesh*^{xxxvi}**

Any property or valuable security given or agreed to be given directly or indirectly by one party to the marriage to the other party is dowry and will be punishable. Dowry is demanded or given in connection with the marriage of the said parties.

***H. Inder Sain v. State of Punjab*^{xxxvii}**

The High court took a narrow interpretation and held that mere demand for dowry without the consent of the other party attract section 4 of the Dowry Prohibition Act, 1961.

***I. Bhai Sher Jang Singh v. Virender Kaur*^{xxxviii}**

The Court held that property given to the wife as a gift or will is to be regarded as stridhana and she is its absolute owner. Any person who holds the property of his wife and denies it to her is guilty of criminal breach of trust.

***J. Lily Thomas v. Union of India*^{xxxix}**

Supreme Court held that second marriage without prior divorce from the first marriage is considered to be void. Wherein men were converting his religion to solemnize the second marriage, but all of this was considered void. Unless and until first marriage is dissolved according to the Hindu Marriage Act, 1955 otherwise the husband would be liable for bigamy under section 494 and 495 The Indian Penal Code, 1860.

Bigamy is the offence of marrying another while the first marriage still persists, and such relations are considered as illegal and void ab initio.

K. Medha Kotwal Lele v. Union of India^{xi}

Dr. Medha Kotwal of Aalochana (NGO) wrote a letter to highlight a number of cases of sexual harassment at workplace and stated that the Vishaka Guidelines were not being effectively implemented.

Supreme Court converted the letter into a writ petition and took cognizance and directed the state governments to file affidavits emphasizing on the steps taken by them to implement the Vishaka Guidelines.

After not being satisfied with the implementation of the guidelines, it directed states to adopt sufficient mechanisms to ensure its effective implementation.

Supreme Court also contended that in case of non – compliance of the Vishaka Guidelines the aggrieved person can approach the respective high courts.

L. State of Haryana v. Raja Ram^{xii}

Charged initiated the prosecutrix who was 14 years old away from her legal guardianship.

The Supreme Court held that the persuasion by the accused created a willing on the part of minor which kept her away from her lawful guardianship and therefore it amounted to kidnapping.

M. Bahadur Ali v. King Emperor^{xiii}

In a case it was held that The Denounced distorted himself as a police constable and saved a young lady in his home for a payoff of Rs 600. The court held that his showing amounted to abducting.

N. Bhagwan Das v. State of NCT of Delhi^{xliii}

The Court held that Honour Killing falls under the rarest of rare doctrine and must attract death penalty for the accused or the perpetrator.

POSSIBLE SOLUTIONS TO ERADICATE VIOLENCE AGAINST WOMEN

Finishing brutality against ladies is the absolute most significant issue distinguished by ladies' associations across the world. Orientation base viciousness is a mind-boggling peculiarity, with multi causes and social signs, legitimate measures against assault in India 'have been insufficient in face of a man centric and sexist culture. An essential method for forestalling savagery is to present regulations that safeguard ladies from brutality and implement those regulations - there should be no exemption for acts brutality against ladies. Exceptional courts need to be empowered to take the ladies' s right issues and give judgment earliest. Last judgment should be the legitimate judgment and the public vote based.

There should be uncomplicated induction to the women bullying cell and outrageous sanctions for the chargeable behaviours, on the spot or that very day to foil exception for usual opportunities invasion. However, surprisingly few problems have preventive measures, and the majority of suggested techniques are meant to assist women who have experienced setbacks due to persistence in viciousness. Deception and poor conduct in general should be addressed in order to address the rise in harmful behaviours against women. The potential preventive steps to take are listed after that.

Any telecom provider should be able to call the women's helpline number at any time, seven days a week; women-only transportation may be made available during the day. It should be made sure that continuous public and private transportation is available in the main areas. Permission to use a public vehicle should be enabled by improved transportation, clear rules, or by providing transparent care. Additionally, it is fundamental to avoid any constrained travel routes or methods for significant distances by including stores, events, or parks in such routes, making it generally involved. Each Collectorate's fighting limit might be kept in mind when functioning with regular noticing and quick action.

Welcome the execution-related information to the notice-generating local area gatherings at crossroads, guidance associations, media outlets, etc. for public care. For the protection and bolstering of women, all feminist activists should band together under one umbrella organisation. In India, violence against women refers to brutal acts of physical or sexual assault that are typically committed by men. In India, common forms of violence against women

include murder and other violent acts like assault. The act must be conducted purely with the loss of a woman in mind in order to be considered violence against women. Due to the deep-seated directional differences in the nation, men conduct these acts of violence the majority of the time.

According to data from India's Public Misconduct Records Branch, point-by-point events of misconduct against women increased by 6.4% in 2012, and such misconduct is committed on a regular basis. The Public Bad Behavior Records Division reports that while there were more than 228,650 confirmed instances of bad behaviour against women in 2011, there were over 300,000 revealed incidences in 2015, a 44% increase. 7.5% of the women in India reside in West Bengal, which accounts for 12.7% of all harmful behaviour toward women. 21 Andhra Pradesh is home to 7.3% of India's female population and accounts for 11.5% of all unquestionably recorded gender-based violence.

Approximately 65% of Indian men agree that beating women occasionally is necessary to maintain the stability of the family. According to the Global Men and Direction Reasonableness Outline (Pictures) Review published in January 2011, 24% of Indian men have engaged in sexual violence at some point in their lives. Because so many instances go unreported, it is extremely challenging to obtain accurate estimates of the frequency of case occurrences. This is primarily due to the potential for ridicule or disgrace regarding the potential columnist, as well as a tremendous amount of pressure to preserve the family's honour.

Some of the fundamental opportunities include the right to reasonableness, the right to education, the right to live proudly, the right to opportunity, the right to regulatory issues, the right to property, the right to free choice of calling, the right to employment, the right to work in an impartial environment, the right to receive comparable pay for the same work, the right to security from direction division, and the right to social protection in the workplace.

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