

# Violence Against Women

Kritika Oberoi  
Royal College of Law, Ghaziabad  
Uttar Pradesh, India

---

## ABSTRACT:

As we know that violence against women is increasing day by day and it is becoming a burning problem. This is all because of gender inequality. Women are expected to indulge in household environment and play an important role as daughters, daughter-in-laws, wives and mothers. On one hand our society worships the goddess durga, laxmi and saraswati but on the other hand they are doing these types of cheap activities like rape, domestic violence, sexual harassment, dowry violence etc. They say that girls are laxmi of the house. But it is a big lie because of the thinking of the men of our society is becoming very cheap day by day. Women are considered weaker than men. This attitude has restricted the ability of women to move freely and they face lack of opportunity for the development of their personality. In this article author wants to highlight the types of violence and preventions. Author also wants to describe the meaning of violence against women. This article also highlights the status of women in India. A number of factors are responsible for violence against women. The psychological problems of the people force them to commit such violence. Violence against women is understood as a violation of human rights and a form of discrimination. It is an inequality between men and women. Violence against women is based on a word "gender". Violence can take many forms. In this article author wants to describe the forms of violence. Violence against women is suffers by victim and their families. Due to the violence against women, parents of our society are scared to send their child outside alone. This all happens because of aggression of men which is hidden and no one can easily understand that. In this article author wants to discuss the causes, consequences of violence against women and specification of violence against women.

**Keywords:-** Meaning, status of women, forms, types, causes, consequences, woman, prevention violence against women, specification of violence, leading cases, citations, references.

---

## I. INTRODUCTION

Violence against women and girls is a serious public health related issue and it have the multiple levels. Violence is a threat to women and they want protection from this violence. In today's life almost 60% women are the part of this violence. Women are considered the half power of the country. So if we want to make our country more powerful the respect of the women is very important. Gender discrimination in our country brings many types of differences like educational, cultural and economical etc. these differences are pushing our country back and stops our country to become a powerful country. Women were not get some rights because men are also the parts of our society and they are discriminated and treated special. Women were not considered capable to take the independent decisions for themselves. Women are four wall of the house where their duty is only cooking meals, cleaning the house, taking care of children etc. women also face discrimination in the house. They use to do jobs like agriculture or handicrafts but they get lesser wages than men. But now there is change in social setup, women power has been recognized to a great extent. The social thinking of the society is increasing but the violence against women is not decreasing. The educated people can understand the value of women but the illiterate do not understand anything the violence against women backdates to the history of mankind. Different types of abuse are mentioned in our ancient epics like

Mahabharata and Ramayana. Many efforts have been done to decrease the violence but it is not decreasing. There should be equality between men and women.

## II. WHO IS A WOMAN?

Women are a part of our country. A woman means an adult female person. Women play various roles in our society from their birth till end of life. Even after playing her all the roles and all jobs timely in a punctual manner in modern society but she still treated weak because men are the strongest gender of society. After various awareness programs rules and regulation in the society by government a life of a woman is more competitive than a man. A woman is a name of a very big responsibility. People of the nation use to say nation as “Bharat-Mata” but they don't<sup>3</sup> know the real meaning of it. The most famous lines said by Pandit Jawaharlal Nehru is “to awaken the people, it is the women who must be awakened. Once she is on move the nation moves the family moves”.

## III. MEANING OF VIOLENCE AGAINST WOMEN AND GIRLS

Violence against women is also known as gender based violence and sexual and gender based violence. These are violent acts primarily done against women. They are also called as hate crimes. Violence against women is one of the critical social system by which women are forced into a lower position compared with men. At least one out of three women around us has been beaten and harassed in her homes, this is all because of thinking of the society. Violence against women has several categories. This violence carried out “individuals” or “state”. Violence against women is also understood as violation of human rights. Any act or threat of act intended to hurt or make woman suffer physically, sexually or psychologically. Violence against women creates the inequality between men and women.

## IV. STATUS OF WOMEN IN INDIA

- **Vedic period:-**

In Rig-Vedic period, females enjoyed considerable degree of freedom and inequality. Education was accessible to both boys and girls. Women were allowed to study Vedas and fine arts. Women were free to select their partner. But the divorce was not permissible to them. Women studied in gurukuls. Polygamy and dowry were prevalent but were confined to the ruling class. Widow re-marriage was allowed.

- **Post Vedic period:-**

Manu's view on women and women's status in society are ironical in nature. On one hand, he prescribes that a family in which women are not respected, is bound to be ruined, but on the other hand, he relegates women to an entirely subservient position. He does so by prohibiting women from taking education. A wife a son and a

slave, these three are declared to have no property the wealth which they earn is for him to him they belong. Post-Vedic society was hugely influenced by Manu's ideologies. This era saw a downfall in the status of women. Various restrictions were imposed on their freedom in this period. Girls were denied access to education. Marriage age of girls was lowered to 9-10 years as pre-puberty marriage was encouraged in this period of history. "Stridhan" was introduced as a means of economic security for women.

- **Medieval period:-**

Post Vedic period saw a downfall in the status of women. The situation increased during the medieval period when the status and position of women reached an all time low. Medieval India was considered the "Dark Ages" for Indian women.

- **Modern period/ British Period:-**

Another revival in the status of the Indian women came during the British Rule. During the fifteen century, the situation underwent some change. The bhakti movement organized by Ramanujacharya during 15<sup>th</sup> century introduced new trends in the social religious life of Indian women. Many notable saints like Nanak, Kabir, Chaintanya, Ramdas and Tulsi stood for the rights of women to religious worship. Thus, bhakti movement provided, at least, religious freedom to women. This is newly found religious movement gave impetus to social freedom of women. Women were encouraged to read religious books. The real change comes during the British period,. This change can be brought to significant social movements namely:

- The social reform movement
- Nationalist movement

**The social reform movement:-**

It emerged during 19<sup>th</sup> century. Major areas of thrust for the social reformers are as follows:-

- a. Prohibition of "Sati Pratha".
- b. Prohibition of "Purdah" system.
- c. Prohibition of child marriage.
- d. Promote widow marriage.
- e. Secure property rights to women.

These social reformers opined that women can achieve a better social status.

**Nationalist movement:-**

The nationalist movement for India's freedom brought about a new wave of confidence and awareness amongst the masses. This had its impact on position and status of women as well. Women participated actively in the independence movement and re-asserted their position as an equal citizen of the nation. All Indian women's conference formed in 1927, proved to be a crucial movement in securing right of equality to women. Various acts came into existence like,

- a. Widow's remarriage act.
- b. Child marriage (prohibition) act
- c. Hindu women's right to property act

Various amendments were made to industrial laws to accommodate interests of working women and gave women economic freedom.

## V. FORMS OF VIOLENCE

There are four forms of violence against women. These are:-

- Physical violence
- Sexual violence
- Emotional & verbal violence
- Economic violence

## VI. TYPES OF VIOLENCE

- **Rape:-**

Rape is a type of sexual assault, involving sexual intercourse. Rape is a offence attempted by men against boys, women and girls; women are target for men more than boys and girls. Mostly in rape cases it is attempted by strangers less than a known person to victim. Victims of rape can suffered from stress disorder in a psychological harm. Rape may cause physical injury, or have sexually transmitted infection or becoming pregnant.

- **Domestic violence:-**

Women are more likely to be victimized by someone that they are intimate with, commonly called domestic violence. It is a violence between families or violence at domestic life. It is not a physical violence alone domestic violence is any behavior the purpose of which is to gain power and control over a spouse, partner, intimate family member. Stalking, abuse, beating involves in domestic violence.

- **Acid throwing:-**

Acid throwing is also called acid attack. It is defined as the act of throwing acid onto the body of a person “with the intention of injury, out of jealousy and revenge.” The most common types of acid used in these attacks are sulphuric, nitric, or hydrochloric acid. These attacks intend to throw the acid on victims, usually at their faces, burning them and damaging skin tissues, often exposing and sometimes dissolving bones. The long term consequences of these attacks include blindness and permanent scarring on the face and body of the victim. Women and girls are the victims in 75-80% of cases. Acid attacks are connected to domestic disputes, including dowry dispute.

- **Marital rape:-**

Marital rape is also called as spousal rape. It is the non-consensual sex committed by the victim’s spouse. The relation between some religions (Christian and Islam) and marital rape is controversial. It is a sexual assault on marital women. It is the rape committed by a person with whom a victim is married. It is a act of sexual intercourse with one’s spouse without the consent. The lack of consent is the element of marital rape. It also considered as a form of domestic violence and sexual abuse.

- **Reproductive coercion:-**

Reproductive coercion is violent. It means that the unwanted pregnancy. It is also the behavior against the reproductive health or reproductive rights within an intimate relation and includes a collection of behaviors intended to lead to forced pregnancy. Reproductive coercion is a form of domestic violence. Reproductive health is used to maintain power and control, within a relationship and over a partner through an unwanted pregnancy. It is a considered a serious public health issue. Forced pregnancy is the practice of forcing a woman or a girl to become pregnant. It is also a part of forced marriage. The circumstances, may amount to torture or cruel, inhuman or degrading treatment.

- **Dating abuse:-**

Dating abuse or dating violence or dating violence is the effect of coercion, intimidation or assault in the context of dating. It is also when one partner tries to maintain abusive power and control. Dating violence is defined as the physical, sexual, psychological or emotional violence within a dating relationship including stalking.

- **Sexual violence on college campus:-**

Sexual violence on college campuses is considered a major problem in India. Women at universities are at risk for experiencing sexual assault. It is a major problem that often goes unreported. It include the unwanted sexual

activities, unwanted touching and rape. Alcohol and drugs often lay a very important role in sexual assault on college campuses. The teenagers use to take the drugs and alcohol and do this types of activities.

- **Stalking:-**

Stalking is unwanted attention by an individual or group toward another person, often indicates through harassment, intimidation or following/monitoring of the victim. In simple language we can say that stalking means to follow someone with wrong intention. Stalking is conduct directed at a specific person to cause a person to feel fear. Stalkers are known people and strangers also they include former or current partner, friends, colleagues. Female victims were stalked by strangers. Stalking by partners can be very dangerous as sometime it can change into severe violence including murder.

- **Sexual harassment:-**

Sexual harassment is the abusive behavior of a person. The sexual nature of a person is typically in the work/studying place which may include intimidation, bullying or coercion of a sexual nature or the inappropriate promise of rewards in exchange for sexual favors. It can be verbal or physical and it is often committed by a person in a position of authority against a subordinate. Sexual harassment is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

- **Human trafficking & forced prostitution:-**

Human trafficking refers to persons by improper means such as force, fraud or deception with the aim of exploiting them. Trafficking in person shall mean the recruitment, transportation, transfer, receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at a minimum the exploitation of the prostitution of others forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or removal of organs.

- **Violence against immigrants and refugees:-**

Immigrant and refugee women often face violence, both in the private sphere (by partners and other family members) and in the public sphere (by the police and other authorities). These women are in a vulnerable position: they do not speak the language of the country they are in them do not know its laws. Female immigrants or refugees face many of the same challenges as other abused women.

- **Cyber bullying:-**

Cyber bullying is a form of scaring someone using electronic forms of contact. In 21<sup>st</sup> century cyber bullying has become increasingly common especially among the teenagers in western countries. Cyber bullying or cyber harassment is a form of harassment using electronic means. Cyber bullying is also known as online bullying. It has become common, especially among teenagers. Cyber bullying means someone harass others on social media.

- **Violence against victims:-**

a victim may face violence or threats of violence from the rapist, and in many cultures from the victim's own family and relatives. Violence or scaring of victim may be offended by rapist or by friends or relatives of the rapist as the way of preventing the victims from reporting the rape or punishing them for reporting it or forcing them to withdraw the complaint or it may be committed by the relatives of the victims as a punishment for bringing shame to the family.

- **Honor killings:-**

Honor killings are a common form of violence against women. Honor killings are committed by family members (usually husbands, fathers, uncles, or brothers) against women in the family who have believed to have placed dishonor to the family. The death of the dishonorable woman is believed to be a punishment for the family. These killings are a traditional practice, believed to have originated from tribal customs where an allegation against a woman can be enough to defile a family's reputation. The killings of a girl or woman, who is perceived to have brought dishonor on the family. It is the murder of a member of a family due to a victim brought shame to the community or a religion or has violated the principles.

- **Dowry violence:-**

Bride burning is a form of violence against women in which a bride is killed at home by her husband or husband's family due to dissatisfaction over the dowry provided by her family. Dowry death refers to the phenomenon of women and girls being killed or committing suicide due to disputes regarding dowry. Dowry related violence is a serious problem that affects the lives of women and girls. Dowry includes gifts, money, goods or property given from the bride's family to groom or in laws before, during or any time after marriage. Dowry violence raises when the people become greedy they start claiming from their daughter-in-laws.

- **Forced marriage:-**

Forced marriage is a marriage in which one or both of the parties is married against their will or we can say someone is forcing them to marry. A forced marriage is also often the result of a dispute between families,

where the dispute is resolved by giving a female from one family to another. It is a form of human right abuse against the humanity.

- **Abuse related to son preference:-**

Son preference is a custom in gender inequality that is prevalent in many countries and found cross religions and classes. Sons are often considered future heads of the family who will be able to assist for their parents in their old age. In this both the sex are discriminated. It also causes violence to the mother of child if she has given birth to a girl child.

- **Forced abortion:-**

Forced abortions are forms of gender-based violence. Forced abortion has occurred throughout much of the world, both at the hands of the state and from intimate partners. All forms of discrimination against women. All women guaranteed the right to decide freely and responsibly on the number of and spacing of their children and to have access to information, education, and means to enable them to exercise these rights. A force abortion may occur when the offender causes abortion by force, threat or by taking advantage of women's incapability. This also includes that the abortion causes without the doctor's treatment. It is also done in case of girl child.

- **Outraging modesty of women:-**

It means assaulting or using criminal force against a woman. This is because of gender inequality. The cruelty done by the husband and relatives of the husband also leads in this. This is a punishable offence. The essence of a woman's modesty is her sex.

- **Eve-teasing:-**

The act of publicly troubling and annoying women by using offensive language and behavior. It is also called public sexual harassment sexual harassment or sexual assault of women by men. Teasing the girls, passing comment on them, harassing them, troubling them is called eve-teasing.

## **VII. CAUSES OF VIOLENCE AGAINST WOMEN AND GIRLS:-**

There are seven causes of violence against women. That are as follows:-

- **Social:-**

Illiteracy is one of the causes of violence. If there illiteracy, poverty & women with no income with their own, unmarried, divorce women have a big chance of domestic violence. Violence can also occurs in the work place like where women is engaged in small business and farming.

- **Family:-**

In childhood a girl child see that her mother is beaten by her father and also to a girl, it causes a risk of physical violence. Women who witnessed a bad physical punishment in her childhood.

- **Mental illness:-**

The violence is also causes by a person who is mentally ill. The mental disorder increases the chances of sexual violence against women. Women who are suffering from depression, mental illness are at risk for various types of violence. Mental illness is also a ground for marriage to be declaring nun and void.

- **Media:-**

Media plays an important role to increase violence against women. Some incident which is shown in media increases aggression in men and then they do these types of violence.

- **Consumption of alcohol:-**

Consumption of alcohol is injurious to health and a person who is addicted to alcohol is also committing the violence like beating. Alcoholic substances like alcohol, bhang and ganja. These are responsible o create several violence.

- **Stress:-**

Stress related to poverty, education, family issues, career, unemployment, marriage etc. are the factors which are responsible for violence against women. It is also because when a person is in stress they forget everything and do the wrong things.

- **Multiple risk factors:-**

Men living away from their houses for job purpose or for study and they are alone facing the multiple of jobs and taking alcohol.

## **VIII. How To Prevent Violence Against Women And Girls**

Violence against women can prevent in many ways mentioned below:-

- **Stop gender discrimination:-**

To stop Violence against women, we have to stop gender discrimination and we have to spread the equality between men and women. Awareness of gender equality should be done by parents and teachers in school and colleges, employers at work place.

- **Proper Treatments for mental illness:-**

Patient these are suffering from mental illness can get proper treatment for that. They can get protected environment where their improvement should takes place.

- **Less use of alcoholic substances:-**

Less use of the alcoholic substances like bhang, alcohol and ganja etc. especially in young people. There should be decrease in the alcohol outlets. The age of purchasing alcohol should be raised.

- **Media:-**

Media should create the new messages and videos to prevent Violence against women. Awareness should be done by the help of serials and short documentary movies.

- **Block porn sites:-**

Porn sites should be blocked. It should be strictly prohibited. The videos develop the lust between men and force them to do such types of activities.

- **Women help lines:-**

24/7 help lines should be made for women like **Maitri** (a New Delhi based **NGO**). Victims of violence can directly go to the hospitals and get access 24/7 help lines numbers. The Legal Services also should be made to help the victims for legal suggestions. Special cells in police stations with the help of ladies police officers should be made and latest gadgets should used like CCTV footage and phone help lines etc.

- **Social organizations:-**

NGO, social activities, village panchayats needs to be involved to the act come to their notice. Such organization also provides leadership in the local community to oppose Violence against women. Their duty will be to conduct seminars on the Violence against women and establish NGO. Spread awareness through NGO'S and seminars. Workshops street plays, short documentary films can be organized in school, colleges, workplace and gatherings.

## **IX. SPECIFICATION OF VIOLENCE AGAINST WOMEN AND GIRLS**

Some of violence against women is mentioned in IPC and other local laws. They are listed below:-

### **INDIAN PENAL CODE (IPC)**

- Rape (U/S 376 IPC)
- Kidnapping and abduction (U/S 363,373 IPC)
- Dowry death(U/S 302,304B IPC)
- Torture [cruelty by husband and relatives of husband] (U/S 498A IPC)
- Molestation (U/S 354B IPC)

- Sexual harassment (U/S 509 IPC)
- Importation of girls (U/S 366B IPC)

#### **OTHER LOCAL LAWS:-**

- The Indecent Representation Of Women (Prohibition) Act, 1986
- The Maternity Benefit act, 1961
- The Family Court Act, 1984
- Dowry And The Dowry Prohibition Act, 1961

### **X. CONSEQUENCES OF VIOLENCE AGAINST WOMEN AND GIRL**

The consequences for violence against women increase the cases of mental illness. The victims also face traumas like depression, suicides, low birth rates, abortion, and risk of infection have been increase after sexual violence.

### **XI. LEADING CASES**

- **Case related to Marriage ceremonies (section 7):-**

**Shaurao Shankar Lokhande VS State Of Maharashtra** [AIR 1965 SC 1564] that merely going through certain ceremonies with the intention that parties are taken to be married will not make them ceremonies prescribed by law or approved by any established custom.

- **Case related to Outraging modesty of women:-**

**People's Union For Democratic Rights VS Police Commissioner** [(1989) 4 SCC 730], some laborers including a women taken to a police station for some work. When they demanded wages, they were beaten up. The women stripped bare and thrashed. The matter came up before the Supreme Court in a writ petition under Article 32 of the Constitution. The Supreme Court held that offence under section 354 IPC was established with reference to woman and awarded compensation to be recovered from the salary of guilty officers.

- **Case related to Domestic violence:-**

**Madhuri M. Chitnis VS Mukund M. Chitnis** [(1992 cri LJ 11)(Bom)], it was held that the meaning and definition of cruelty given in section 498A is not vague. The ordinary dictionary meaning of cruelty does not apply to section 498A, which has been inserted in the statute with the purpose of meeting a social challenge to save the married woman from ill-treatment and to ensure that women live with dignity in their matrimonial homes.

- **Case related to Rape:-**

**Satpal Singh VS State of Haryana** [(2010) 8 SCC 714] it was settled that consent implies the exercise of free and untrammelled right to forbid or withhold what is being consented to. It is always a voluntary and conscious acceptance of what is being consented to. It is always a voluntary and conscious acceptance of what is proposed to be done by another and concurred in by the former. An act of helplessness in the face of inevitable compulsions is not consent in law.

- **Case related to Gang Rape:-**

**Pramod Mahto VS State of Bihar** [(1987) 2 SCC 27] four person forced entry into a house and were charged with rapping a young unmarried girl. Medical evidence supported the fact of rape. The conviction of all of them was upheld without it being necessary to show whether all of them or who among them participated in the crime. The court observed:

“This explanation has been introduced by the legislature with a view to effectively deal with growing menace of gang rape. In such circumstances, it is not necessary that the prosecution should adduce clinching proof of a completed act or rape by each one of the accused on the victim or on each one of the victims where there are more than one in order to find the accused guilty of gang rape and convict the under section 376 of IPC.

## XII. CITATIONS

1. **Albert Anthony v. Union of India (2015)** – In this case honorable Apex court on 13<sup>th</sup> July, 2015 asked centre to decide if Christian divorce law to be amended to reduce waiting period before filing for divorce from two years to one. As a result, the government cleared a proposal to reduce the waiting period.
2. **Shaiyra Bano v. Union of India (2017)** – In this very famous and recent judgment by the apex court in 2017, honorable supreme court held that the most cruel practice of divorce under Muslim law i.e., the practice of Triple Talaq (Divorce by pronouncing Talaq 3 times) was held unconstitutional.
3. **Vishwa Mohan Lochan v. Union of India (2014)** – “Fatwa” is something which is always in a position of controversy with the law of the land. On 7<sup>th</sup> April 2014, the apex court said fatwa’s and similar decisions issued by institutions will not carry the force of law. As a result, Orders issued by Khap panchayat or Muslim clerics were held constitutional and judicially derecognized.
4. **Shamim Bano v. Ashraf Khan (2014)** – There was always a controversy in the judicial arena that whether even after the act of 1986 i.e., The Muslim (Protection of Rights on Divorce) Act, 1986 the Muslim women can seek maintenance under sec 125 Cr.PC. This answer was given by the apex court in

this landmark judgment, in this case honorable Supreme Court held that a Muslim woman has the right for maintenance not restricted by her choosing to apply for divorce under Muslim Women Act. She can either file under the act or under CrPC 125.

5. **Shamima Farooqi v. Shahid Khan (2015)** – On 6<sup>th</sup> April 2015, honorable Supreme Court stated that Muslim women could get maintenance beyond the Iddat period. The apex court upheld the decision of “Danial Latifi v. Union of India” and re-emphasized its decision. As a result it was held that the concept of Iddat has nothing to do with maintenance.

### **XIII. CONCLUSION**

Lack of education, poverty mental illness is a very big cause of the violence against women. Women are not safe anywhere even they are not safe in their houses. Aggression is also a big cause of violence against women. Men aggression and lust is hidden no one can understand that easily. Violence against women can easily destroy a victim's life. We hear new that a woman is raped or met with violence. In our society every fourth woman is a victim of violence against women. Discrimination of gender should be decreased. It is a big threat to women and our nation because women do not get proper respect. Every woman is scared to go outside. They go outside but the fear of miss happening is always in their heart. We have to take step with unity to remove gender discrimination and spread equality with holding hand with each other. We have to decrease violence against women.