

An empirical study on the evolving faces of violence on women

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I. Introduction

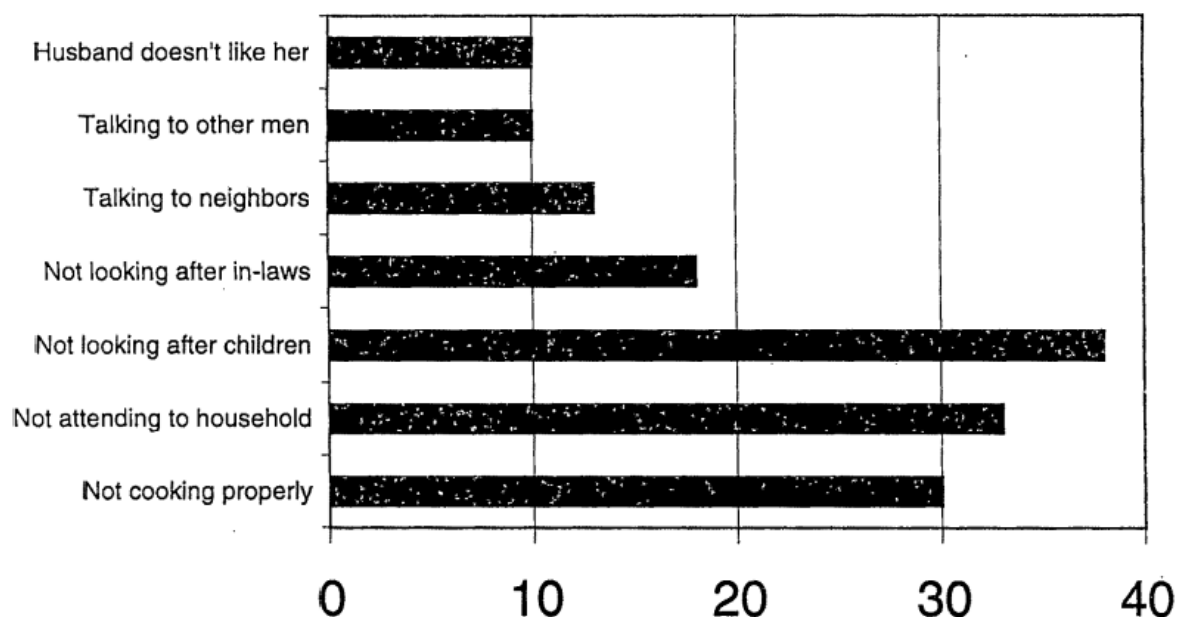
Right from the hour of her introduction to the world or even before a young lady could become casualty of a wrongdoing or focus of a wrongdoing. Gives take a gander at the stages access a lady's life and talk about the dangers momentarily. Similarly as the stages differ, nature of wrongdoings change as well. The following are delineations/tables that feature significant parts of the issue. The 2012 National Crime Records Bureau report of India expresses an announced crime percentage of 46 for each 100,000, assault pace of 2 for every 100,000, endowment murder pace of 0.7 per 100,000 and the pace of homegrown savagery by spouse or his family members as 5.9 per 100,000. A recent report in the Lancet states, "While a 8-5% predominance of sexual savagery in the country [India] is among the most reduced on the planet, it is assessed to influence 27.5 million ladies in India [given India's huge population]. Further, the 2006 review saw that as 85% of ladies who experienced sexual savagery, in or outside of marriage, never looked for help, and simply 1% report it to the police."

The issues

Aggressive behaviour at home against ladies is the ugliest essence of demeanour towards ladies in India. A few family sociologists and history specialists have seen family as a field of adoration, friendship, tenderness and focus of fortitude and warmth. They are safe to the unmistakable real factors of child murder of young ladies, torment of widows, Sati custom, spouse battering and kid misuse and the new peculiarities of settlement passings and obliteration of an undeveloped organism of a female kid. While certain Sociologists consider family to be a focal point of abuse, attack and viciousness, going from the discipline of kids to slapping, hitting, desperate attack by one individual from family on the other. Family savagery is certainly not a new peculiarity. Shockingly enough, how is it, family analysts in India has not been drawn to this generally helpless social issue. The lack of exploration on the intra-family brutality can be followed to various elements. Abusive behavior at home executed by accomplices and close relatives on ladies has for some time been matter of quiet enduring inside the four dividers of the home. The peculiarity of abusive behavior at home against ladies has been recognized principally as a private concern. According to this viewpoint, brutality is seen to a matter of individual obligation, and the ladies is seen to be the one liable for either changing all the more satisfactorily to the circumstance as directed by social standards or then again fostering a satisfactory strategy for enduring quietly. This essential comprehension of aggressive behavior at home as a private matter has restricted the degree to which lawful goal to the issue has been effectively sought after. Abusive behavior at home against ladies is progressively perceived as a significant wellbeing and social issue in India. Brutality against women is far and wide, profoundly settled in, quietly borne, and generally impenetrable to ladies' circumstance yet male mentality consistently legitimize spouse - beating and few would quit an oppressive marriage. There is a shortage of data on the size and examples of aggressive behavior at home against ladies in India via local area based information. Office based information from police, court, emergency clinic and NGO records - do exist, yet stay dispersed, ineffectively kept up with and sometimes used. Definition of domestic violence in general is any act physical, sexual or psychological abuse, or the threat of such abuse, inflicted against a woman by a person intimately connected to her through marriage, family relation. Domestic violence is of such nature as is likely to drive the woman out of the house or to commit suicide or to injure herself; or causes injury or danger to the life, limb or health (whether mental or physical) of the woman. Domestic violence harassment which causes distress to woman. Domestic violence is any act which compels the women to have sexual intercourse against her will either with the husband or any of his relatives or

with any other person. Domestic violence is any act which unbecoming of the dignity of the woman. Domestic violence any other act or omission or commission which is likely to cause mental torture or mental agony to the woman.

Reasons for Violence as Identified by Women (percent of women citing reasons)



Source: : Domestic Violence in India: A Summary Report of a Multi site household Survey - Voi. 3

Stage 1	Foeticide and infanticide
Stage2	School going age
Stage3	Adolescence
Stage 4	Marriage
Stage 5	Motherhood
Stage6	Workplace

1 Foeticide and infanticide:

Where there is an economic or cultural preference for sons, the pregnancy diagnostic tools can lead to female foeticide

2 School going age:

Many Girls are not given the access to and completion of proper primary and secondary education as compared to boys and otherwise may also suffer from discrimination at the hands of parents and teachers in their upbringing.

3 Adolescence:

Many adolescent girls become victims of sexual abuse both on internet and otherwise, exploitation and violence, acid attacks, rape ,early marriage, or even HIV/AIDS.

4 Marriage:

Many women are tortured physically, economically and emotionally after their marriage by their husband and in-laws.

5 Motherhood:

Women are sometimes not provided proper medical care and healthy food during and after her pregnancy .She is often compelled to abort a female foetus.

6 Workplace:

often women suffer from exploitation , unequal pay for equal work , lack of promotions despite merit and physical, economic and emotional abuse

cases	2018	2019	2020
dowry Deaths	7167	7141	6966
Miscarriage, Infanticide, Foeticide and Abandonment	1728	1972	1634

Acid Attack	228	249	182
Sexual Harassment	20962	18217	17003
Kidnapping and Abduction	105734	105036	84805
Human Trafficking	1313	1333	947
Rape	33356	32032	28046

1. Sexual Harassment at Workplace:

Inappropriate behavior of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed with the target of giving assurance to the ladies at working environment. Lewd behavior is the point at which one individual subjects someone else to an unwanted demonstration of actual closeness like snatching, brushing, contacting, squeezing, eve prodding, makes an unwanted interest or solicitation straightforwardly or by suggestion for sexual blessings from someone else, shows an individual any physically unequivocal visual material, as pictures/kid's shows/dream boats/schedules/screensaver rendition PCs/any hostile composed material/obscene messages or some other type of unwanted lead of a sexual sort, eve prodding, jokes liable to cause cumbersomeness or shame, insinuations, chauvinist remarks. This resolution supplanted the Vishakha Guidelines for counteraction of lewd behavior presented by the Supreme Court of India. Each business is needed to establish an Internal Complaints Committee at every office or branch with at least 10 employees. The Act covers understudies in schools and universities just as patients in clinics, bosses and nearby specialists should set up complaint boards of trustees to explore all complaints. Any oppressed lady might record a grievance recorded as a hard copy to the Internal advisory group/Local Committee inside 90 days from the date of occurrence or the date of the last episode in the event of a progression of episodes. The casualty can likewise record an objection with Police under Indian Penal Code 1860 under Sections 294, 354, 354A, 509.

2. Acid Attack

Corrosive tossing, additionally called a corrosive assault is a type of brutal attack characterized as the demonstration of tossing corrosive or a comparatively destructive substance onto the body of one more with the expectation to deform, damage, torment, or kill. Culprits of these assaults toss corrosive at their casualties, as a rule at their faces, consuming them, and harming skin tissue, frequently uncovering and once in a while dissolving the bones. The long haul results of these assaults might incorporate visual deficiency, just as long-lasting scarring of the face and body, alongside expansive social, mental, and financial hardships. Area 326A and Section 326B of the Indian Penal Code, 1860 give the discipline to deliberately causing intolerable hurt by utilization of corrosive and wilful tossing or endeavouring to toss corrosive individually. Area 100 of the Indian Penal Code permits the right of private safeguard to the degree of causing passing assuming that there is corrosive is tossed or there is an endeavour of tossing corrosive.

3. Rape

Assault is perhaps the most deplorable abomination carried out on a lady in our general public. It is known to be the fourth most normal wrongdoing against ladies in India. Rape happens in the event that a man has sex i.e. enters his penis, to any degree, into the vagina, mouth, urethra or butt of a lady or causes her to do so with him or some other individual; or additions, to any degree, any article or a piece of the body, not being the penis, into the vagina, the urethra or rear-end of a lady or causes her to do so with him or some other individual; or controls any piece of the body of a lady to cause infiltration into the vagina, urethra, rear-end or any piece of collection of such lady or causes her to do so with him or some other individual; or applies his mouth to the vagina, rear-end, urethra of a lady or causes her to do so with him or some other individual, the situation being what it is falling under any of the accompanying seven depictions:-

- Without wanting to.
- Without her assent.
- With her assent, when her assent has been gotten by placing her or any individual in whom she is intrigued, in apprehension about death or of harmed.
- By getting her agree by claiming to be her better half.
- At the point when she doesn't comprehend the nature and results of what she has assented to on account of instability of psyche or affected by liquor.
- With or without her assent, when she is under eighteen years old.
- At the point when she can't convey assent.
- An assault casualty can record a FIR in the neighborhood police headquarters under after Sections of Indian Penal Code.
- 376-Punishment for Rape

- 376A-Punishment for causing demise or bringing about industrious vegetative phase of casualty.
- 376B-Sexual Intercourse by Husband upon his significant other during partition
- 376C-Sexual Intercourse by Person in Authority
- 376D-Gang Rape

4. Obscenity and Pornography

Erotic entertainment is printed or visual material containing the express portrayal or show of sexual organs or action, planned to invigorate sexual energy or appears to be vulgar from a capable peruser point of view.. Porn is the depiction of sexual topic with the end goal of sexual excitement. Porn might be introduced in an assortment of media, including books, magazines, postcards, photos, mold, drawing, painting, liveliness, sound recording, film, video, and computer games, sites. Expanded utilization of data innovation, for example, Internet and specialized gadgets has prompted multiplication of illicit sites containing vulgar and explicit materials. Obscenity and erotic entertainment have not been explicitly characterized under any Act in India however The Indian Penal Code, 1860, The Information Technology Act, 2000, The Indecent Representation of Women (Prohibition) Act, 1986, manage profanity and porn and make distributing or transmission, offer of foul and obscene materials as culpable offenses under different provisions.

Segments 292,293,294,354,354A,354B,354C,509 of the Indian Penal Code, 1860.

Segments 66E, 67,67A, 67B of the Information Technology Act, 2000

Segment 6 of the Indecent Representation of Women (Prohibition) Act, 1986

5. Domestic Violence

Abusive behavior at home can be portrayed as where one grown-up seeing someone power to control another. It is the foundation of dread in a relationship through viciousness that incorporates different types of misuse. The brutality might include actual maltreatment, rape and dangers. On occasion it tends to be more inconspicuous, for example, causing somebody to feel useless, not allowing them to have any cash, or not permitting them to leave the home. An Application can be documented to the Magistrate under Section 12 of the Domestic Violence Act, 2005. Orders, for example, home, assurance, money related help, remuneration request can be passed by the Magistrate. Objection can likewise be recorded under Section 498A for remorselessness by spouse or his family members alongside interest for dowry. The words "shared family" were considered by Supreme court in SR Batra v TarunaBatra AIR 2007 SC 1088, to mean house having a place with or taken on lease by husband or house which has a place with joint group of which husband is a part .If it is selective property of mother by marriage , it can't be known as a joint family property. A wife can't guarantee and isn't qualified for stay in her dad in law's home utilizing the Domestic Violence Act-It was held by the Delhi Court in Sudha Mishra v. Surya Chandra Mishra RFA 299/2014.

6. Cruelty/Dowry demand

To shorten the developing occurrences of share torment and settlement passing , another Section was fused into Indian Penal Code , that is, Section 498A .According to this Section, whoever being spouse or relative of husband of a lady , subjects her to remorselessness will be rebuffed with detainment for a term which might reach out to three years and fine. Remorselessness thus implies any hardheaded lead that is probably going to drive a lady to end it all or to make grave injury or peril her life, appendage or wellbeing (regardless of whether physical or mental_) of the lady Or badgering to constrain her to satisfy any unlawful need for any property or security or on inability to fulfill the need. Afterward, Section 198A was added to the Criminal Procedure Code in 1983. In 2005, the Protection of Women from Domestic Violence Act was passed, which added to shield ladies from settlement badgering. Area 304B was added to the Indian Penal Code, 1860 ("IPC"), which made endowment passing a particular offense culpable with a base sentence of detainment for quite a long time and a greatest detainment for life. Further, under Section 4 of the Dowry Prohibition Act, 1961 an interest for Dowry is an offense wherein request is made at the hour of or even after marriage even where no brutality is involved .

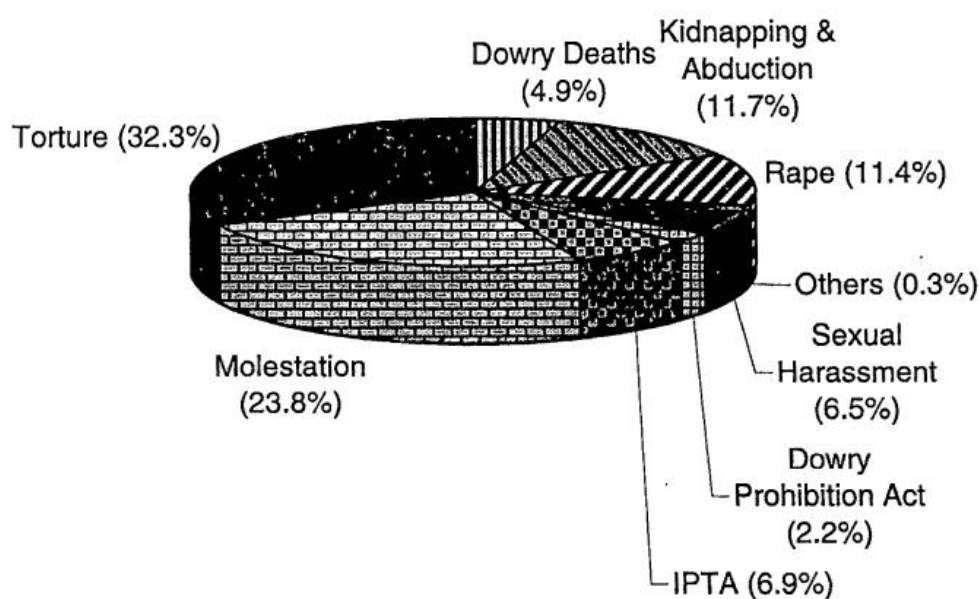
Signs of Violence

- Bruises on the body especially on the face and around the eyes. Women is beaten so harshly that she don't speak to others about her story. Mere presence of her, describes all the story that how domestically she is tortured by her own bodyguards. Bruises which are seen is disclosed to us but she is beaten till she is not understood about her mistakes.
- Loss of teeth which while torturing is lost.
- Broken nose or continuous bleeding is seen.
- Fracture of arm or legs
- Leucorrhoeas, or vaginal secretions

- Vaginal haemorrhages

As domestic violence is increasing day by day; to prevent it there are some social NGO's which are as follows:

1. Shakti Shalini - women's shelter
2. All India Women's Conference
3. JAGORI
4. Sakshi - violence intervention center
5. Saheli - a womens organization
6. Nirmal Niketan
7. Nari Raksha Samiti
8. RAHI Recovering and Healing from Incest. A support centre for women survivors of child sexual abuse



The need for a Civil Law

An equitable legal framework can never completely guarantee the equitable treatment of women in society. Women's rights are systematically violated despite constitutional guarantees of equality. Equality articles are often contradicted by:

- i) individual laws
- ii) gaps in the legal framework
- iii) the decisions of parallel judiciaries
- iv) other constitutional articles

Contrasted and numerous other vicious wrongdoings, the lawful and social aspects of abusive behaviour at home present a few entanglements for successful legitimate control. The purposes behind looking to manage homegrown maltreatment and not with maltreatment overall are as per the following:

1. Homegrown maltreatment is a not kidding social issue, which has radical and destroying consequences for its casualties
2. There are various foundational obstructions to survivors of homegrown maltreatment getting to the overall set of laws, which emerge out of the personal idea of the relationship and the powerlessness to escape from that climate.
3. It is expected that people encountering maltreatment in non homegrown connections won't encounter similar sort of boundaries to getting away the culprit or getting to legitimate cures and subsequently that such people might have response to the lawbreaker and common cures as of now in presence.

In outlining a circle of the 'homegrown' to which the regulation will apply, one should look to recognize connections which contain the vital elements which bring about the foundational obstructions to acquiring lawful security. The following vulnerability have been identified that should be considered in assessing the advisability of including the type of relationship in the legislation.

- The personal intimacy of the relationship;

- The decreased perceivability of the relationship to others or the component of security which keeps the going on in the relationship obscure to other people;
- Continuous actual vicinity of the gatherings. Additionally abusive behaviour at home is frequently a common occasion between people in private. In contrast to burglaries or such different wrongdoings, in which casualties and guilty parties regularly are unacquainted, casualties and attackers regularly consume a similar space, share and contend for assets, and have enthusiastic ties. In this specific situation, dangers are promptly passed on and very conceivable. Then again, it is incredibly troublesome to mount and keep an obstruction danger inside a setting of continuous and solo contact among casualty and assailant.

CONSTITUTIONAL AND LEGISLATE PROTECTION:

The Indian constitution has ensured equal status to all i.e. not only between men and men, women and women but also between men and women. The Indian constitution has given some of the important things to protect women that are as follows:

1. Fundamental Rights

- a. Article 14: Article 14 of the Constitution of India enunciates the general principle of right to equality and prohibits the state from denying to any person, "equality before the law or the equal protection of the laws"
- b. Article 15, Protective Discrimination: Article 15 of the constitution prohibits the state from making discrimination "against any citizen on grounds only of religion, race, sex, place of birth or any of them".
- c. Article 16, Equality of Opportunity: Article 16(1) provides equality of opportunity in matters relating to employment or appointment to any office under the State. This right to equality is only in employment or appointment under "the State" that is in matters of recruitment, promotion, wages, termination of employment, periodical increments, leave, gratuity, pension, age of superannuation.

2. Directive Principles of State Policy:

- a. Article 39: It provides (a) that the citizens, men and women, equally have the right to an adequate means of livelihood. That State shall, in particular direct its policy towards securing, (b) That there is equal pay for equal work for both men and women, (c) That the health and strength of workers, men and women.....are not abused and that citizens are not forced by economic necessity to enter a vocation unsuited to their age and strength. The principle underlying this provision is "equal wages for equal work" irrespective of "sex"
- b. Article 42: "Article 42 provides that the State shall make provision for securing just and human conditions of work and maternity relief". The cumulative effect of this Article is that "the State is under an obligation to provide by suitable legislation just and humane conditions in various industries and maternity benefits to women".

3. Protection by Legislation:

- a. Criminal law relating to domestic violence: There is no specific legislation in India that deals with domestic violence. Each category of violence against women and their criminal remedies is dealt with under separate headings
 - i. The Dowry Prohibition Act, 1961: Under this Act, both the giving and receiving of dowry is prohibited.
 - ii. Cruelty, S. 498A IPC: In order to combat the increasing incidents of torture of women by their husbands and his relatives, the legislature enacted S. 498A of the IPC and S. 113A of the Indian Evidence Act. In order to convict a person for a crime under S. 498A IPC, the prosecution has to prove that the accused committed acts of harassment or cruelty as contemplated by the section and that the harassment or cruelty was the cause of the suicide.
 - iii. Marital Rape: The concept of marital rape does exist in a very limited sense. Section 375 IPC provides if a husband has sexual intercourse with his wife who is below fifteen years of age, it would be rape.
 - iv. Pre-Natal diagnostic techniques (Regulation and Prevention of Misuse) Act, 1994: For the purpose of preventing misuse of technology to determinate pre-natal sex leading to female foeticide.

II. Conclusion :

Violence against women is one of the paramount threats facing women in terms of equality and enjoyment of human rights. However, there is no clear treaty provision which expressly prohibits violence against women in any of the nine core human rights treaties. The global dimensions of domestic violence are of great concern, both in terms of their scope and extent. Domestic violence is perhaps the most universal, yet one of the most invisible forms of violence against women. No country or society can claim to be free of domestic violence, but the patterns and trends may vary across regions and countries. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), is one of the great achievements. CEDAW is the direct result of women mobilizing for their rights to be recognized by the UN. Despite the creation of this declaration the United States along with Saudi Arabia have yet to ratify CEDAW and therefore its laws do not apply. New research shows that women's rights organisations are key to tackling violence against women and girls, yet a lack of funding is stopping them in their tracks Violence against women and girls is not new: it's hardly even news.

Sure, the occasional high profile or particularly grizzly case hits the headlines - the Oscar Pistorius trial, the Delhi gang rape, the beheading of a woman in a north London garden. But for the millions of women (one in three of us in fact) who face beatings, rape, sexual assault, stalking, harassment and emotional abuse, violence is largely unreported or ignored. In many cities like Ciudad Juárez Mexico, thousands of women have died due to the trafficking of humans. With the drug Trafficking comes a lot of young women who are entered into the sex trafficking aspect of the war in Mexico. There are 31 states in Mexico and out of the states, 16 reported that 848 women have been victims of sex trafficking and the remaining states could not come up with the data needed (ONC, 2014). There are countries where Honorary Killings are not only allowed, they are encouraged! Women endure so much pain and abuse. Even little girls who have not grown up to be women are forced to be child brides. To these women, “pseudo-philosophical conflicts between genders” has a huge toll on their well being and is not appreciated.