



## THE GLOBAL ISSUE OF VIOLENCE AGAINST WOMEN

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### ABSTRACT

*Violence against women is an issue recognised all over the world. It is one of the major social issues, and there is a tremendous increase in the number of cases being reported in India. The crimes range from making a woman suffer physically, sexually or psychologically. Death, rape, acid attacks, child abuse, marital rape, child rape, sexual assault, domestic violence, dowry killings, harassment, etc, are some of the commonly witnessed forms of violence against women. The Research throws a light on the problems of different forms of violence against women. The Researcher, through this paper, intends to analyse the forms of crimes against women in the country through both doctrinal and empirical methods.*

**Keywords:** Psychologically, Assault, Harassment, Violence, Marital Rape.

### INTRODUCTION

From the origin of social life in the world, various centuries have come and gone, time has changed people's minds and environment a lot, howsoever violence against women has not seemed to change a little bit. Time is the real eyewitness to all the sufferings of women by men, like discrimination, humiliation, exploitation, etc., where many female goddesses are worshipped. In the Vedas, women are divine as mothers who can create and provide a life. On the other hand, they have been suppressed and humiliated by men in a patriarchal society.

Violence against women is of various types and can happen in any place, like the home, office, public place, or park. Women have been victims of humiliation, exploitation and torture by men in the family, in the office, everywhere in society. Violence against women can be domestic, public, physical, mental and emotional. Women are afraid of violence in their minds, which causes a lack of participation in various areas of life. Fear of violence in the minds of

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women has been so deep that it cannot be out easily, even after the complete removal of violence against women in society.

## **VIOLENCE AGAINST WOMEN**

Understanding the “violence”<sup>1</sup> that behaviour by persons against persons intentionally, threatens, attempts, or inflicts physical harm. Violence against women in India refers to physical, sexual violence committed against women by a man. The term violence against women has been used to describe a wide range of acts, including murder, rape, sexual assault, physical assault, emotional abuse, stalking, sexual harassment and genital mutilation. The phrase “violence against women” means the aggressive behaviours that adversely affect women. Violence negatively affects women's mental, physical, and reproductive health, sexually and increases HIV rates.

Many acts came into existence for helping violence against women they are Anti Violence Against Women and their Act of 2004, Protection of Women from Domestic Violence Act, 2005, The Immoral Traffic (Prevention) Act, 1956, The Dowry Prohibition Act, 1961, The Commission of Sati (Prevention) Act, 1987, The Sexual Harassment of Women at Workplace Act, 2013, The Criminal Law (Amendment) Act, 2013, The Indecent Representation of Women (Prohibition) Act, 1986.

## **FORMS OF VIOLENCE AGAINST WOMEN**

Many forms of Violence Against Women are as follows -

**Domestic Violence:** Domestic violence is also known as domestic abuse and violence by an Intimate partner, is of control or maintenance the power against women in the Home. It includes all physical, sexual, emotional, economic and psychological actions/threats of another person. This is one of the most common forms of violence experienced by women globally. The Protection of Domestic Violence Act, 2005, came into existence.

**Physical Violence:** Physical violence involves a partner hurting or trying to hurt you by hitting, kicking, burning, grabbing, pinching, shoving, slapping, hair pulling, biting, denying medical

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<sup>1</sup> Nancy A. Crowell & Ann W. Burgess, Understanding Violence Against Women, WHAT IS VIOLENCE AGAINST WOMEN?, National Academics Press, 01, 09(1996).

care or forcing alcohol and drug abuse, and they may use, or threaten to use weapon against you.

In the case of *Inder Raj Malik v. Sunita Malik*, (1986)<sup>2</sup> judgment given by the Delhi High Court had to decide whether a person could be convicted under both section 4 of the Dowry Prohibition Act and section 498A of the Indian Penal Code. Where court said that according to the Dowry Prohibition Act, section 4 says mere demand of dowry is subject to punishment, whereas in section 498A of the Indian Penal Code, an act of cruelty against women is punishable.

**Sexual violence:** Sexual violence involves forcing a partner to have sexual intercourse when the partner does not give consent. The Sexual Offences Act 2003 came into existence.

Sexual violence is of by an intimate partner or by any other person, it is regarded as “Rape.” Sexual intercourse by a husband needs the consent of the wife; without consent, it constitutes rape of aged 15-18.

According to Sec 64 of the BNS punishment of sexual assault, the person who commits sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to 10 years and shall also be liable to a fine.

**Economic violence:** Economic violence involves making a person financially dependent by maintaining total control over financial resources to isolate her to impose other adverse consequences on her well-being.

**Emotional violence:** Emotional violence includes that can be any harmful behaviour that may affect your emotional state.

For example, that your husband behavioural signs of emotional violence they are shaming, blaming, criticising, guiltling, humiliating, ridiculing, dismissing, accusing, neglecting, monitoring, and verbally berating.

**Psychological violence:** Psychological violence includes a partner causing fear of threatening physical harm to himself, destruction of pets and property or forcing a woman's isolation from friends, family and work.

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<sup>2</sup> *Inder Raj Malik and Ors. Vs. Sunita Malik* 1986 CriLJ 1510.

**Sexual harassment:**<sup>3</sup> It includes catcalls, sexual comments about a person's body or appearance, demands for sexual favours, staring and stalking and exposing one's sex organs and touching bad touch. The sexual harassment against women at the workplace Act, 2013.

**Rape:**<sup>4</sup> Rape is any non-consensual vaginal, anal or oral penetration of a husband or any other person with any bodily part or object. A national total of 1.5 million instances of rape or attempted rape. Only half of the victims of rape or attempted rape surveyed stated that the crimes were reported. Two-thirds of all rapes take place at night. The ages of the victims of rape or attempted rape were 16-24. The rape committed most of all frightening form of rape by a total stranger, was the most common and also police recognised that most of the people raped are from low-income families and not married. Firstly, against her will, and secondly, without her consent.

In the case of Rafiq v. the State of U.P.<sup>5</sup> is that a murderer kills the body, whereas a rapist kills the soul? So, rape is considered a more serious crime than murder.

In the case of Tuka Ram and Anr vs State of Maharashtra,<sup>6</sup> Mathura, a minor girl, willingly gave consent for sex by two police officials. It is not terms rape and sexual intercourse are held in this case.

In the Nirbhaya case, Mukesh &Anr. Vs State for NCT of Delhi &Ors.<sup>7</sup> A young female physiotherapist was allegedly raped by five individuals a minor, on a moving bus in Delhi. The attackers pulled out the victim's intestines using an iron rod. Despite all efforts to save her, she died in a hospital. The court also sentenced four adults to death and one juvenile to three years in a juvenile facility. After this incident, suggest possible amendments to enhance the punishment for sexual assault and the Indian Rape Laws.

**Marital Rape:** approximately 10-14% of married women are raped by their husbands. One third of women report having "unwanted sex" with their partners. Section 376 of the IPC, if it is committed by a man against his wife, is unconstitutional, and it is popularly known as the

<sup>3</sup> According Sec 354, 78 of BNS, a man committing sexual harassment rigorous punishment which may extend of three years and also with fine.

<sup>4</sup> Section 64 of BNS defined rape and punishment with rigorous imprisonment that shall not less than ten years or but may extend to imprisonment for life and shall also liable for fine. Capital punishment for rape sec 375 of IPC.

<sup>5</sup> Rafiq vs. State of U.P, 1981 AIR 559 1981 SCR (1) 402 1980 SCC (4) 262.

<sup>6</sup> Tuka Ram And Anr vs. State of Maharashtra, AIR 1979 SC 185.

<sup>7</sup> Mukesh & Anr Vs. State for NCT of Delhi& Ors, (2017) 6 SCC 1.

‘marital rape exception’. In 2017, a woman filed a complaint against her husband, Mr Hrishikesh Sahoo, accusing him of offences including rape, cruelty and making threats of causing harm. He was also accused of abusing their daughter and was charged with sexual assault under the Protection of Children from Sexual Offences Act, 2012 (POSCO). Marital rape is a violation of fundamental rights, Article 14 and 21 of the Constitution of India.

**Acid Attacks:** According to Section 124 of BNS<sup>8</sup> whoever voluntarily causes grievous hurt by throwing acid, with the intention and knowledge that he is likely to cause such hurt or injury, shall be punished by imprisonment not less than ten years and which may extend to imprisonment for life, and with a fine, provided that he shall bear the medical expenses of the treatment of the victim.

As per the analysis of the National Crime Records Bureau (NCRB) data, 14 cases of acid attacks were reported per month. We see that an average of 200-300 cases are reported for acid attacks per year. In the case of Revinder Singh Vs. State of Haryana<sup>9</sup> before the Madras High Court, 1 person suspected his wife had developed an illicit relationship with one of his acquaintances. In that fit of anger, he threw acid on her, resulting in severe burns and the death of the victim. The husband was convicted under Section 302 IPC and 313 IPC (causing miscarriage of a woman without her consent) with life imprisonment and a fine of Rs. 2000. The fine was thus again a meagre amount.

**Human Trafficking:** Human trafficking is the transportation and exploitation for profit to people, through means such as force, fraud, coercion, or deception. This heinous crime ensnares millions of women and girls worldwide, many of whom are sexually exploited.

According Sec 143 of BNS, whoever knowingly by or having reason to believe that a person has been trafficked engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years or may extend to five years, and shall also be liable to fine. Section 143(6) of BNS, the offence that involves the trafficking of a minor girl punishment is imprisonment for ten years and is also liable for a fine.

<sup>8</sup> Indian Penal Code, sec 124, 101& 103.

<sup>9</sup> Revinder Singh Vs. State of Haryana, AIR 1975 SC 856.

Section 98 of BNS, whoever sells the minor for prostitution or for illegal intercourse for illegal purpose or immoral purpose, shall be punished with imprisonment extending to ten years, and shall also be liable to fine.

Section 141 importation of a girl under the age of 21 years foreign country shall be punishable with imprisonment which may extend to ten years, extending up to life imprisonment and shall also be liable to fine.<sup>10</sup>

Immoral traffic (prevention) Act 1956<sup>11</sup> according to this Act, Sections 4 and 5 deal with the purpose of sexual exploitation.

**Forced marriage/child marriage:** Forced marriage is a penal offence punishable under Section 366 of the IPC. Whoever kidnaps or abducts any woman with the intent that she may be compelled or knowing that she may be compelled to marriage shall be punishable and may be sentenced to ten years.

According to Section 15 of the Indian Contract Act, 1872<sup>12</sup> forcing a woman to marry without her consent, legally, the marriage leads to a void, and it is a violation of fundamental rights.

Child Marriage Restraint Act (CMRA), 1929, the law setting into age of majority for age of girls 14 and 21 for girls and 18 after the legal minimum age for marriage age was raised to 18 and 21. Prohibition of Child Marriage Act, 2006, the Indian government has put a measure for girls 18 years and boys 21 years. The report says that young girls who are victims of child marriage are more likely to experience domestic violence and suffer from child labour at home.

Under the CMRA Act, Punishments for male adults below 21 years or above 18 years who marry a child include imprisonment for 15 days and shall also be liable for a fine thousand rupees. Whoever conducts or performs any child marriage leads to imprisonment for three months.

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<sup>10</sup> Bharatiya Nyaya Sanhitha, Section 143,143(6), 98, 141.

<sup>11</sup> Immoral traffic (prevention) Act, 1956 Sec 4 and 5, Acts of Parliament,1956 (India).

<sup>12</sup> Indian Contract Act, 1872, Sec 15, Acts of Parliament, 1872 (India).

According to the National Family Health Survey,<sup>13</sup> 40% of the world's 60 million child marriages take place in India. At least 1.5 million girls under 18 get married, and 16% nearly adolescent girls aged 15-19 are currently married.

**Forced Abortion:** Forced abortion may occur when the abortion is performed by force, threat or coercion, or by taking advantage of a situation where a pregnant individual is unable to give consent.

Section 89 of the BNS<sup>14</sup> deals with miscarriage without consent. If a person commits an offence mentioned in Section 88 above without the consent of the pregnant woman, then that person will be punished with life imprisonment or be imprisoned which may extend to 10 years and will also be liable for a fine.

Section 88 of the IPC allows abortion in good faith for the sake of saving the life of a woman. Up to the 24<sup>th</sup> week, a doctor may only terminate the pregnancy for serious medical reasons. 4- 5 months can take abortion. The MTP Act, 1971<sup>15</sup> The act allows abortion for up to twenty weeks based on the judgment of one medical practitioner.

**Gang Rapes:** Offences under Section 70(1) of BNS<sup>16</sup> which deals with gang rapes is considered a cognizable offence, punishable with imprisonment of 20 years to lifetime imprisonment and fine to be paid to the victim and non-bailable.

In 2012, the year Nirbhaya was attacked, India recorded 24,923 rape cases. Last year, for which crime data is available, the number had increased to 31,677. It argues that Section 70(2) (gang rape of a child under 12 years of age) of the BNS provides a sentence for the person's life imprisonment or the death penalty. Whereas the girl under 12 years old was gang raped, then the person's 20 20-year imprisonment.

In the case of Rai Sandeep Alias Deepu v. State of NCT of Delhi,<sup>17</sup> the appellants were convicted of gang rape and were sentenced to rigorous imprisonment for 10 years each with a

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<sup>13</sup> IAS baba, Highlights of National Family Health Survey, KEY FINDINGS OF NFHS, (Last visited Oct. 12,2025, 10:21 AM), <https://iasbaba.com>.

<sup>14</sup> Bhartiya Nyaya Sanhitha, Section 89, 88.

<sup>15</sup> Medical Termination Pregnancy, 1971, sec 3 (1), Acts of Parliament, 1971 (India).

<sup>16</sup> Bharatiya Nyaya Sanhitha, Section 70(1),70(2).

<sup>17</sup> Rai Sandeep Alias Deepu v. State of NCT of Delhi, 2012 8 SCC 21.

fine of Rs 3000 each. They drink alcohol and are thereafter gang raped under the threat of murder.

**Online or Digital Violence:** Any violence that is committed in online mode by the use of technology and its information against women through social media, text, and messaging. Cyber-bullying involves sending threatening messages. Doxing involves the public release of private or identifying information about the victim. Non-consensual texting consists of the sending of photos without her consent.

Section 356 of the BNS stipulates that if a person defames a woman online, they may be jailed for up to two years. Section 76C of BNS disturbing pictures of a woman online without her consent illegal punishment which leads to 3 to 7 years. Section 76A of BNS includes the act of showing pornography against the will of a woman.<sup>18</sup> According to the IT Act,<sup>19</sup> section 67A punishes people who share material containing sexually explicit acts online with a jail term of 7 years and a fine of 10 lakhs.

### **Health Consequences:**

1. Have fatal outcomes like homicide or suicide.
2. Lead of injuries
3. Lead to unintended pregnancies, induced abortions, gynaecological problems and sexually transmitted infections and HIV and AIDS.
4. Pregnancy also increases the likelihood of miscarriage, low birth weight, and pre-term delivery.
5. These forms of violence can lead to depression, post-traumatic stress and anxiety disorders, sleep difficulties, eating disorders and suicide attempts.
6. Health effects can also include headaches, pain syndromes and poor overall health.

## **CAUSES OF VIOLENCE AGAINST WOMEN IN INDIA**

**Family Factors:** The violence that happens against women in the home has a behaviour that is carried over to the next generation. A child who sees his father that he was abusing his mother

<sup>18</sup> Bharatiya Nyaya Sanhitha, Section 356, 76C, 76A.

<sup>19</sup> Information Technology 2000, sec 67A, Acts of Parliament, 2000 (India).

is most likely to do the same when he grows up. Many nuclear families have reported incidents of violence against women, with no elder in the family to mediate and settle the matters.

**Patriarchal Society:** In Indian society is male dominated society where men make decisions in a family; however, women have no rights to make any decision. After researching, we found that almost 60% males beat women from time to time in the family.

**Liquor Consumption:** consumption of alcohol by the husband every to causes violence against women. It leads not only a domestic violence but also the many crimes that occur outside of the house.

### **Preventive Measures**

**Safe Transport:** Many cases of sexual violence against women take place in buses and trains, mainly during the night hours. They are taking advantage of and absence of police personnel. There is a need to appoint a lady police constable on buses and trains during night hours.

**Increased Police Vigilance:** The police force has to increase in every area, especially at night. Police presence on the roads can to reduce harassment or assaults by others on the roads.

### **CONCLUSION**

Violence against women has evolved as a part of gender gender-biased relation that a man is superior to women. Violence against women causes the low status of women in the community, illiteracy and economic dependence on males, decision-making power in the home, early marriage, values, norms, beliefs, and culture were deeply rooted in violence against women. Mental torture, physical beating are most happening in society. Violence against women was mostly done during dinner time, use of alcohol, supreme power, husbands listening to other family members, sexual dissatisfaction, and some are followed by mother-in-law's words, etc.