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## AN EXPLICATION OF WOMEN'S VIOLENCE AND ITS PREVENTION LAWS IN INDIA

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### ABSTRACT:

Without women, society would be unable to organize itself into a fair, well-structured community. Women are working day and night like an appliance, but they are not obtaining the outcomes for this work, on the contrary they are being tortured such as domestic abuse, sexual assault, murder, dowry death, rape etc. Women have been and continue to be victimized not only in modern times but since the ancient time also. Women are giving up their rights due to social prejudice, religious bigotry, oppression and discrimination in a male dominated society. But this is not always true. Because sometimes the women of the family have tortured other women. Today in almost every home in India, women are being manipulated in one way or other. This paper deals with the violence against women in India, its forms, causes and solutions are also discussed.

### INTRODUCTION

Our community is patriarchal. In this patriarchal society, men contemplate women as inferior, so men regulate all factors of women's lives. As a consequence, women in such society have minor rights to property and household decision making. Women are determined by men as part of social norms and cultural importance. As a result, there has been a nominal overall improvement in women. Because men are respected better than women in society. So these social disabilities and discrimination are the main cause of women's violence. Violence against women impacts and initiates crises for women in our state, country and world. In 2019 the total number of cases against women was 4,05,326 and 2020 at 3,71,503 but in 2021 which stood at 4,28,278.<sup>1</sup> Most of the crime was happened in Uttar Pradesh, West Bengal, Rajasthan, Maharashtra, Odisha.

<sup>1</sup> "Crimes Against Women Rose by 15% in 2021, Experts Say Laws Need to Be Implemented Strongly on Ground."

<https://www.outlookindia.com/, www.outlookindia.com/national/crimes-against-women-rose-by-15-per-cent-in-2021-experts-say-laws-need-to-be-implemented-strongly-on-ground-news-219995/amp>. Accessed 21 Oct. 2022.

## MEANING OF VIOLENCE

Violence means any physical force for or any damage or injury to person or property.

The UN defines violence as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."<sup>2</sup>

WHO defines violence as, "The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation."<sup>3</sup>

## TYPES OF VIOLENCE

There are following types of violence against women

- **Physical violence:** Inflicting bodily harm or attempting to do so, kicking, burning, grabbing, slapping, pulling hair, biting, compelling someone to consume drugs or alcohol, or using other forms of physical force are all considered to be physical violence.
- **Domestic violence :** Domestic violence, commonly referred to as "intimate partner violence," is any violence done by individuals involved in close social ties. This aggression is intended to wield power and control. The phrase "domestic" may frequently relate to a home or household; nevertheless, the violence is frequently carried out by a former spouse or other members of the extended family.
- **Emotional violence:** It includes hurting a person's sense of self-worth by constant criticism, undermining one's skills, using profanity or other oral abuse, destroying a partner's relationship with the children, or preventing a partner from seeing friends and family.
- **Economic violence :** It refers to refusal to provide money, food, and other necessities as well as financial support.
- **Sexual violence :** It also known as harassment of a person's sexuality, sexual assault includes any attempt to coerce a person into engaging in sexual activity as well as any unwanted sexual remarks or actions.
- **Physiological violence :** This refers to instilling fear by intimidation, posing a physical risk to oneself, a partner, or children, destroying property or pets, or isolating oneself from friends, family, coworkers, and other members of the community.

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<sup>2</sup>"Crimes Against Women Rose by 15% in 2021, Experts Say Laws Need to Be Implemented Strongly on Ground."  
<https://www.outlookindia.com/, www.outlookindia.com/national/crimes-against-women-rose-by-15-per-cent-in-2021-experts-say-laws-need-to-be-implemented-strongly-on-ground-news-219995/amp>. Accessed 21 Oct. 2022.

<sup>3</sup> "Violence Against Women." Violence Against Women, 6 Oct. 2022, [www.who.int/health-topics/violence-against-women#tab=tab\\_1](http://www.who.int/health-topics/violence-against-women#tab=tab_1).

## CAUSES OF VIOLENCE AGAINST WOMEN

There are no single aspect that clarifies the cruelty against women. Although there are numerous causes of violence against women, one of the most prominent is domestic violence. As per WHO, virtually one in third women around the world have experienced physical and sexual violence by an intimate partner or non partner or both. There are some other reasons when women become victims of violence, some are

- A woman is humiliated and harassed by her mother-in-law or husband for not bringing adequate dowry.
- A husband threatens to smash his wife if she does not agree to sexual contact.
- If husband does not like the food cooked by his wife then she subjected to torture.
- Women are forced undergo abortions in the hope of having contact
- From birth, men are presumed to be wiser and superior to women.
- Women retain little knowledge about legal rights.

## WHAT KIND OF WOMEN ARE VICTIMS OF VIOLENCE

Any women can be a sufferer of violence but some women are particularly vulnerable. They are :

- Impoverished women
- parentless women or girls
- lonely women
- minority women
- a sick women
- a women staying in an ashram or

## SOME ACTS RELATED TO PREVENT VIOLENCE AGAINST WOMEN

### Domestic Violence Act

If a woman is the target of financial, emotional, verbal, sexual, or physical harassment, or the threat of such behavior, it is against the law, according to this Act. The offender will be punished with either a fine of up to 20,000 rupees or imprisonment for a time that may last up to a year, or a combination of both.<sup>4</sup>

### Dowry Prohibition Act

Both giving and receiving dowries are against the law. Under this law, the maximum penalty is fifteen thousand rupees or the equivalent in dowry value. The minimum sentence is five years in prison.<sup>5</sup>

### Pre-conception, Pre-natal Diagnostic Technical Act

The law forbids sex discrimination both before and after conception. According to this law, a person who violates the law faces a maximum sentence of three years in prison and a fine of ten thousand rupees..<sup>6</sup>

<sup>4</sup> Section 31(1) of the Prohibition of Women from Domestic Violence Act, 2004

<sup>5</sup> Section 4 of The Dowry Prohibition Act, 1961

<sup>6</sup> Section 22(3) The Pre-conception, Pre-natal Diagnostic Technical, 1994

## Prohibition of Child Marriage Act

Child marriage is forbidden under the law. Any male adult over the age of eighteen who enters into a child marriage will be subject to strict imprisonment that might last up to two years, a maximum fine of one lakh rupees, or both.<sup>7</sup>

The egregious offenses against women are punishable by the Indian Penal Code, 1860, which also contains such clauses. As follows:

Section 326 A states that anyone who causes a person to suffer a permanent or partial injury, burns, disfigures or disables any portion of their body, or causes grave harm by throwing or distributing acid to cause such an injury, shall be punished with imprisonment for at least ten years, with the possibility of a life sentence.

Section 326 B, a person who throws or attempts to hurl acid with the intent to cause great bodily harm shall be sentenced to a term of imprisonment of not less than five years, but not more than seven years.

Section 354 addresses the crime of molesting a woman, such as attacking her with the intention of upsetting her modesty. Women are intended to be shielded from any indecent or impolite behavior on the part of others that violates their modesty by the provisions of this section. This crime violates not only public values and society as a whole, but also the individual. Consequently, if someone plays a criminal role on a lady to degrade her modesty, they will be penalized with a fine and a minimum term of imprisonment of one year, which can go up to five.

Section 354 A, anyone who engages in physical contact with a woman or engages in unwanted and explicit sexual activity before the woman consents, demands or asks for sexual favors, shows pornography against the woman's will, or makes a sexually suggestive comment faces a harsh sentence of up to three years in prison, a fine, or both. In some circumstances, the sentence may extend to one year in prison, a fine, or both.

Section 354 B, anyone who abuses a woman, uses illegal force against her, intends to make her strip off, or encourages such behavior faces a sentence of at least three years in prison and up to seven years in addition to a fine.

Section 354 C, was divided into two parts. First, if someone witnesses or photographs a woman engaging in a private activity, and then distributes or publishes that image, they will be punished with a minimum of one year in jail and a maximum of three years in prison as well as a fine for the first offense. For the second offense, they will receive a minimum of three years in jail and a maximum of seven years in prison.

There are two offenses in Section 354 D. First, when a guy pursues, contacts, or makes repeated attempts to speak with a woman despite obvious disinterest, and second, when a man closely examines how a woman utilizes the internet, emails, or any other kind of electronic communication. For the first offense, the penalty is a period of imprisonment with a fine that may not exceed three years, and for the second offense, the sentence may be up to five years in jail with a fine.

Rape is a type of sexual ravishment that typically refers to sexual contact or other types of sexual penetration without a person's consent. This act may be carried out using physical force, compulsion, abuse, or against a person incapable of giving their lawful permission. The horrific crime of rape is punishable under Section 376. There are two subsections within this section. According to Section 376(1), there is a mandatory minimum sentence of seven years in jail and a maximum

<sup>7</sup> Section 9 of Prohibition of Child Marriage Act, 2006

sentence of life in prison as well as a fine. According to Section 376(2), the maximum period of imprisonment is ten years, but it is also possible to get a fine or a life sentence.

According to section 376 D, each individual who rapes a woman while acting with a common purpose commits the crime of "gang rape" and is subject to a sentence of hard imprisonment of at least twenty years, with the possibility of life in prison, as well as a fine.

Section 498 A of the law intends to stop a married woman from being tormented by her husband or his family members and to penalize them for abusing her to extract dowry. The penalty for violating this clause is a sentence of imprisonment that may last up to three years and a fine.

Section 304 B, a woman will be considered to have died as a result of dowry demands made before her marriage if she dies from a burn or other physical injury within seven years of her marriage, or if it is revealed that she was subjected to cruelty or harassment by her husband or any other relatives of the husband. She will be punished with a minimum sentence of seven years in prison or a maximum sentence of life in prison.

Section 366, a person who kidnaps or abducts a woman for the purpose of forcing her into marriage or with knowledge that she would be forced into marriage shall be sentenced to ten years in prison and a fine.

Anyone who persuades a girl under the age of 18 to stay or to take any action that would compel or tempt her to engage in unlawful sexual relations with anyone is punishable by up to 10 years in jail and a fine under Section 366 A.

## CONCLUSION

In the past women could not play any adequate role in our society. The role of women in our society was limited to mothers, brides, and homemakers. They were dependent on men. But today's women play a significant role in every aspect of life. They reached out of the kitchen and worked side by side with men in all the developmental work of the government. By obtaining higher education they become doctors, engineers, lawyers, pilots, administrators, and more. They have proved that they do not only work in the family but also work outside the family. They have played an important role in the national economy. Today they are equal partners of men in constructing the country and society.