



A Critical Analysis on Discrimination and Domestic Violence Against Women in Indian Society

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PART A

Abstract

The sombre issue of gender discrimination and violence against women in society as well as in their houses are solely due to persisted social beliefs that demotes the participation of women in any extra activities than preparing food and taking care of the family. Today also even when the Indian Society is developing at such a fast rate, many women and girls are not free and allowed to move outside and become self-independent in some parts of the country. After all these, even if some women and girls manage to move outside, then they suffers from different types of violence such as rape, murder, kidnapping along with violence in their houses, called domestic violence. Although, in recent years the graph shows mixed trends, like increasing violence in some and decreasing in other parts. But in the end, the overall ratio is still very high. Thus, it is the need of the time to spread awareness and educate people about the effective ways to reduce discrimination and violence against women, then only the Indian Society can develop in overall manner without any resistance. In this research article our primary aim is to provide clarity on the different aspects of discrimination and violence against women and girls and also provides remedies for the same in both legal as well as in general ways.

Key Words: Gender Discrimination, Violence, Domestic Violence, Communal Violence, Inequality, Growth & Development.

Introduction

India, which is one of the largest Democratic countries of the world, gravely suffers from the problem of inequality. This inequality are of various types like economic inequality, income inequality as well as gender inequality. The most prominent among them is the gender inequality also called Gender discrimination, in today's developing Indian Society. Inequality or the discrimination on the basis of gender not only affects the growth of particular community but it also retards the economic growth as well as overall development of the country. There should be equal role for both men and women and both communities should be treated equally in each and every manner then only the proper growth is

possible. Today women is far behind than, males and the prime reason for this gap is gender inequality. Due to social and cultural belief many women are not allowed to move out and receive the proper education, become financially independent etc. They even not allowed to interfere in their domestic matters. Due to the stated reasons only, today the growth rate of India is so sluggish. Along with this problem of inequality they also face the severe form of violence against them, not only in the society but also within their houses.

Factors like gender discrimination and Violence against women are the major drawbacks of the Indian Society and also it retards the overall growthy and development of the nation further. To eradicate this serious issue , the governments are continuously making strict rules and regulations against those who performed these acts. Governments are also trying other ways like increasing the number of opportunities for the females so that their voice can be heard in the society and so that this serious problem gets eradicated completely.

Research Question

The Research Paper tried to answer the following set of questions:

- (I) Why Gender Discrimination is prevalent in Indian Society in spite of rapid development?
- (II) What are the different ways in which we can successfully combat the problem of discrimination based on gender?
- (III) Violence , its types and the remedies available against it

Objective of the Study

The objective of this paper is to study the Gender Discrimination and different types of Violence faced by Women and Girls during different phases and aspects of their life in Indian Society. This paper also suggests the remedies against violence and ways to combat the Gender Discrimination against women.

Significance of the Study

Gender Discrimination faced by women and Violence against Women in Indian Society is quite normal and it is prominent from ancient days , but now its time to eradicate these unethical practices from the society. In recent days, the crime and discrimination against women increases rapidly due to which women loses their dignity. This paper eventually focus on describing gender discrimination and violence in detail and also suggests the methods to expel them out.

Sources of Data

The researcher primarily focuses on the data of secondary sources like Reports of the World bank on Violence against women and girls, National Crime Records Bureau Reports on Crime against Women in Cities. The researchers also referred to different research articles and journals like Violence against women in India by ICRW, Violence and gender discrimination by Haq and Sofi and many more.

Review of Literature

1: Michelle T. Hackett, Domestic Violence against Women: Statistical Analysis of Crimes across India, Published in Journal of Comparative Family Studies, Vol. 42, Iss. 2, (pp. 267-292).

In this article the author discusses the theory of domestic violence with special reference to Indian Society. The author also depicts statistical analysis of data of crime against women in Indian Society. The possibility for development for women as well as in which methods it can take place are also there in this paper.

2: International Centre for research on Women(ICRW), Violence Against Women in India, A review of trends , pattern and responses, April 2004.

In this article, the ICRW talks about the violence against women both at global and national level. This article comparatively studies the crime rate , violence cases filing rate in different countries of the world. The above named article also talks about literacy rate of females in India, sex ratios, juvenile sex ratios and all those aspect which are of utmost importance for the development of the women as well as for betterment of the society.

3: Inamual Haq, Sheeraz Ahmad Sofi, Violence and Gender Discrimination: A Challenge, Published in Towards Excellence: An Indexed Refereed Journal of Higher Education, 2019, (pp 90-98)

The authors in this article talks about the violence faced by females in every section the society. The females are not only gets ill-treated by their partners but they also mistreated by some sections of society as well as family members. In Indian Society , Women faces more human right violation than their male counterpart and this is mainly due to violence against them. In this paper, the authors also highlighted the violence in terms of gender inequality and how this factors affects the growth and sustainable development of India.

PART B

Concept of Discrimination Against Women in Indian Society

Today , when India is on verge of becoming a super power , a global power , a global guru but still the country faces some of the very serious issues like gender discrimination and caste discrimination.

Talking in detail about gender discrimination , majority of women and girls are facing issues of discrimination and they are constantly struggling to live their life with dignity and respect in Indian Society. The rituals of discrimination are not new in Indian Society. It prevails from the times of Mughals in Medieval India. At that time, women are not allowed to move out of their house , a married women only have the responsibility to take care of her husband , her children's , her household works and her in laws family. She was not allowed to move out of her house to do some work , to earn some money as well as respect in the society. They treated girls and women's like their servants (household worker) and nothing more than that. After the Mughals , when Britishers came for trading as well as to rule our country , they

gave some rights to women but not as so that they will move freely to anyplace without the permission of anyone. The point here to note that , in British Raj , they mainly gave permission to the British Girls and women and not Indians , because they treat Indians like slaves and according to them slaves are not allowed to move freely without the dur permission from the master.

The current scenario is also not so good in this aspect. Even after 75 years of India's Independence, girls and women's are facing so much discrimination in each and every aspect of their life. Toady also at many places , unmarried girls are not allowed to move out of their house and due to this at most times they get deprived of their right to getting educated. On the one hand where girls , even when they get the permission to move outside are not allowed to stay outside for more than few hours and if they violates this order, then they have to answer and to state the valid reasons, whereas on the other hand if a male child of a house is staying outside the home for so many hours then they don't need to answer anyone and they also don't need to state the reason.

Due to these discriminations faced by women and girls in the society , they got deprived of their fundamental right to live with dignity in the society.

Women in the Indian Society plays so many roles in their life. They plays the role of a daughter , a wife , a mother , caretaker , even sometimes service provider to society and breadwinner for the family. Despite of all these major roles played by a women in the society , they faced the so much discrimination based on the gender. The another point to note here is that females(women and girls) contribute equally to the growth and development of the nation.

Taking another aspect in this regard, Mens get paid for all their works , but what about women ? Nobody ever thinks on this question. Did they get paid for many of their works? Like if they prepare food for the family , take care of the children , husband , in laws and sometimes even provide services to the society, but they didn't get paid for these things. Is this not the discrimination against women in the society? Society always states that , Women contributes less to the society from earning point of view , but if we take the household works for which women didn't get paid then the contribution of women are much higher than the males in the society.

Types of Discrimination Against Women in Indian Society

There are several types of discriminations faced by the women and girls in the society as well as in their own houses. Here listed some of those:

- **Female Foeticide:** Today , even in this modern era , Indian Women have to face sex-selective abortion. Due to this practice of infanticide , maternal mortality rates are increasing rapidly and hence the number of females are constantly being lowered in the India. According to the reports of GOI , 10 million female foetus are aborted in last 20 years. These numbers are shocking but we have to belief it because Indian Society is patriarchal society and here more preference are given to boy child than that of girl child.
- **Girls Education:** The second most prominent thing in which girls faces discrimination is being getting educated. According to Article 21 of Constitution of India , everybody have the right to get educated and it is also mandatory for the government to provide free education to girl child in their initial learning phase. Although

there are laws and rights in Indian constitution but in reality these all scenarios seems to be different. Thought of the parents are opposite in this regard. They thought that if they invest on education of their girl child then in return they would get nothing instead they would have to invest more on their marriages. This mindset, in today's modern India prevails in rural and outskirts of the urban areas. Although the scenario is changing day by day but the pace is very slow.

- **Sexual Harassment at work place:** Along with the gender discrimination, sexual harassment is also one of the most prominent kind of discrimination faced by females at her work place. Although there are provisions to stop this further but they are not successfully implemented due to social issues. We all know that, women are getting less paid from men for the same quality, quantity and time of work. This discrimination in getting paid is only due to the reason is that they are females (women & girls) and hence they are not allowed to earn more than that of male members of the society. Now, moving towards women entrepreneurs. Women entrepreneurs in today's modern Indian Society also faces so many difficulties, obstacles to establish their business, run their business or if a rural woman wants to start her small scale business then in some cases she even didn't get the permission to start it or either they face lots of criticism.
 - Apart from the above stated ways of discrimination, the author wants to draw the attention of the readers towards the fact that the voice of women didn't get heard even in her own house or in the house of her in laws. They can't be able to express their thinking, their plans even if they are for betterment of the family. The male members always try their best to suppress the voice of female members of the house.
 - Women also face discrimination during the time of distribution of the property. There is uneven distribution of property between the female and the male child of the house. The male child gets more share of the property than the female and even sometimes male get all the shares and hence the share with the female's child becomes zero. Although there are laws like Indian Succession Act, Hindu Succession Act, that gives the equal right of property to the female counterpart of the house but still that laws are not so effective as such.
- Last but not the least, if we want to eradicate this gender discrimination faced by women in Indian society, first we have to eliminate this discrimination trend within the families then only we can move towards the society. Also along with this we have to find the root cause of this discrimination against the females. From the above stated information it is clear that although there can be many other causes but the most important cause is our Patriarchal form of Society, a society where there is male dominance. They do what they want, and if we want equality in this modern society then we have to change the mindset of both young and old generation. We know that "Old habits are hard to get rid off" we can work on these habits and try to change the mindset if we want equality in the society.

Ways to Reduce Discrimination against Women

There are number of ways suggested by different sociologists and other researchers, but at the very first place we have to make a collect a group of educated people of different age groups at different places and we have to train them, educate more about gender equality and also show them the importance of equality on the development of nation. Once the training of these groups of people we collected, then we they move to their native place and try to educate and

create awareness in different households specially in rural areas of the nation. For all the above stated measures, we need large amount of fund and for that in today's India, there are large number of NGOs, Non-Profit Organisations are working and also gives their utmost importance to reduce discrimination. Government of India as well as of different states started hundreds of schemes for providing equality but the results are still very poor in rural areas. Many girls and women who wants to continue their education are not allowed. They even get locked in their house so that they cannot escape and these things are very common in rural areas. Contradictory to this, in recent years the situation improves a bit but we have to cover a long distance for making Indian Society a zero Discrimination Society against women.

Thus, hereby suggesting some more ways to eliminate discrimination against women in Indian Society:

1. Brings more women on board: By increasing the number of women or simply saying by increasing the participation of women in external matters can probably reduce the discrimination against them.
2. Spread awareness and Educate people: Likewise, suggested earlier, we need to spread awareness in different types in both rural and urban areas and also try to educate senior members of the house along with the young ones.
3. Equal pay to all genders: By paying equal or paying for all the works we can reduce discrimination in today's era. Today, in many offices women paid less for the same amount of work compared to that of males, so we have to reduce this inequality and hence promote gender equality.
4. Inclusion in Society: Participation of women and girls are very much needed for development and growth of the society as a whole. We have to hear their opinions also, include them in different organisations and incorporate their ideas as well.
5. Eradicating earlier Social Beliefs: To reduce discrimination and to bring equality we have to abolish many social beliefs that restricts women and girls from studying, that promotes household work for the women. Along with this, the patriarchal nature of the society should be removed to the possible extent.
6. Free education to girls of all the age groups: This is one of the most prominent factor for reducing inequality because if we become successful in educating them, then they will become self-dependant and they also get courage to fight for them against the society.

Apart from all the suggested measures, we should also encourage women and girls to participate in large numbers in both national as well as international conferences that are on How to remove gender Inequality. By participating, they can learn different measures & tricks and accordingly they can apply in their life as needed.

Violence Against Women in Indian Society

In Indian Society, the women or commonly stating the females not only suffers from gender based discrimination but they also undergoes from violence against them. Most females suffered from the violence both before and after her marriage.

As we are talking precisely about Indian Society, but this problem of violence against women is not restricted to Indian Society. It is more or less spread all over the world. Many international organisations are working for its abolishment and there are several laws also in the UN declaration for violence against women, but they were not successful as much as it was thought by the makers. Today almost all the countries even have laws to prevent violation, even India have laws against violence but does it mean anything practically. Does making the laws only abolish violence or we have to work for its better implement. This the question we all need to think about.

Like as Gender Discrimination, Violence against women is also prevailing in our society since ancient time. In ancient time, this violence is mainly due to unequal division of power between male and female counterpart. Due to this unequal division, females were being dominated and discriminated by males and this also averts the advancement of females.

Now moving from Ancient Times to modern Indian Society. Although, we are developing ourselves in many different ways, trying to make everything advance, but still even today India have lakhs and thousands of cases of violence against women. The main cause of violence in Indian Society is Poverty, ignorance, discrimination and social conflict. Above from all these, one of the most important factor is Cultural forces. Due to this cultural forces, women even in Modern Indian Society finds hard to live their life with dignity and security. This Cultural Forces tries to preserve the dominance of male counterpart over the females as in ancient days, and due this even in Modern India, females condition becomes vulnerable. According to the customary practices and traditions, women should always accorded lower position in the family as well as in community and society.

In most of the Developing countries, violent practices are getting recognized on the elements of cultural forces and traditional practices. It is Shocking yet true. In many countries including some part of India also, women or the female counterpart are not allowed to move out of the house, attend the wedding, parties etc. and if they did so then they have to face violence against them in their house. This is what we called Domestic Violence. The precise definition of Domestic Violence is given below:

“any incident of threatening behaviour, violence or abuse [psychological, physical, sexual, financial or emotional] between adults who are or have been intimate partners or family members”

Violence may be domestic or of any other type against women, is the violation of both Human as well as fundamental rights of the women. Women also have the right to live the life with dignity as per Article 21ⁱ, but due to the different forms of violence they are not living their life with full dignity.

Major forms / levels of Violence Against Women

Although there are thousands of different forms of violence prevailed against women in Indian Society, but there are two major heads under all those are classified. They are as follows:

- Domestic Violence (Violence in the Home): Domestic violence is the gender based violence occurs when a male partner beats, psychologically and physically abuses his female partner. In general, physical, psychological and sexual violence against females in family is termed as Domestic Violence. Due to Offence of

battery , genital mutilation, marital rape, non-spousal violence and violence related to dowry, women or the female counterpart gets deprived of their fundamental right to live with dignity , move freely and many other human rights as well.

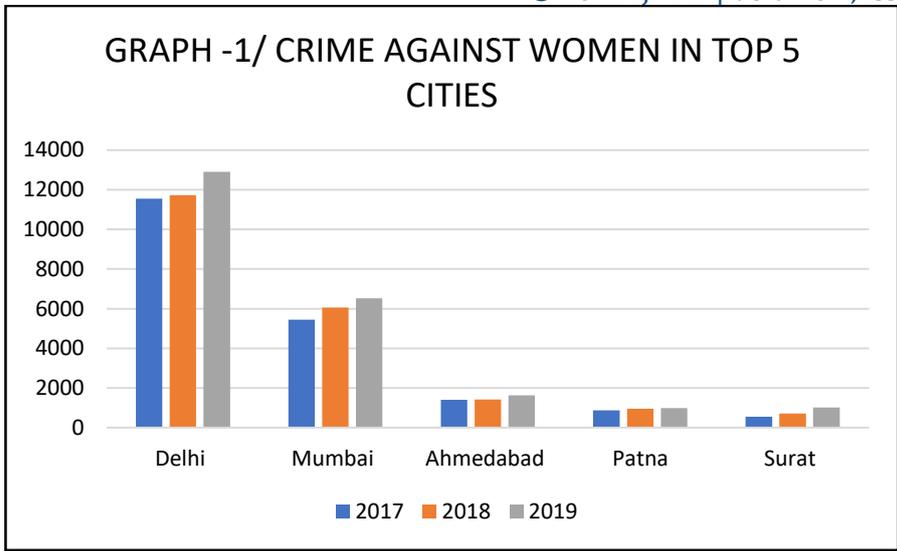
- Communal Violence (Violence in General Community): The offence of rape , battery, sexual assault , harassment at work place, harassment in schools, prostitute(commercialization of women body) are the types of violence faced by female in the community. Many of the types in community violence is primarily due to poverty and economic inequality. During the period of Covid -19 , the gap increases largely between rich and poor and hence the crime rate against women increase. Several other types under this category is forced sterilization , abortion , female foeticide etc.

Data Analysis

To make a clear understanding of the scenario of domestic violence against women and discrimination, we tried to show them in the form of graphs and analyse them respectively.

The table 1 below depicts the data of TOP 5 Cities in which the crime rates against women are considerably higher than any of the other states. The table shows the data in numerical form whereas the graph represents the same data in the form of bar figure.

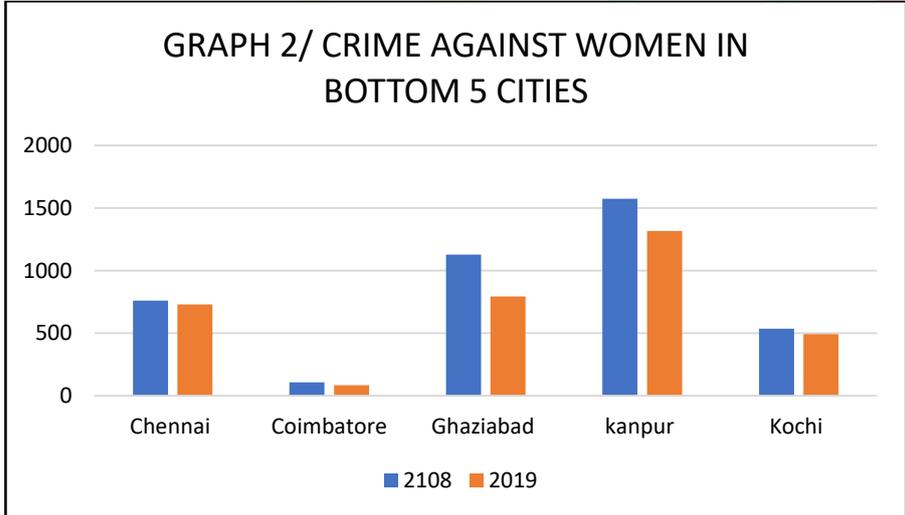
CITIES	YEARS		
	2017	2018	2019
Delhi	11542	11724	12902
Mumbai	5453	6058	6519
Ahmedabad	1405	1416	1633
Patna	870	956	981
Surat	559	712	1015



The above Graph 1 titled ‘ Crime against women in Top 5 Cities’ clearly shows the rising trend in the crime rates against women in recent years. The crime depicted in this graph can be of any types like rape , battery , assault , domestic violence , martial rape etc. Among the 5 states , Crime rate against women is highest in Delhi and lowest in Surat, but the number increases rapidly in Surat in past 2 to 3 years.

The Table 2 shown below depicts the data of BOTTOM 5 Cities in which the crime rates against the Women were significantly low. The Graph 2 represents the same data in the form of Bars.

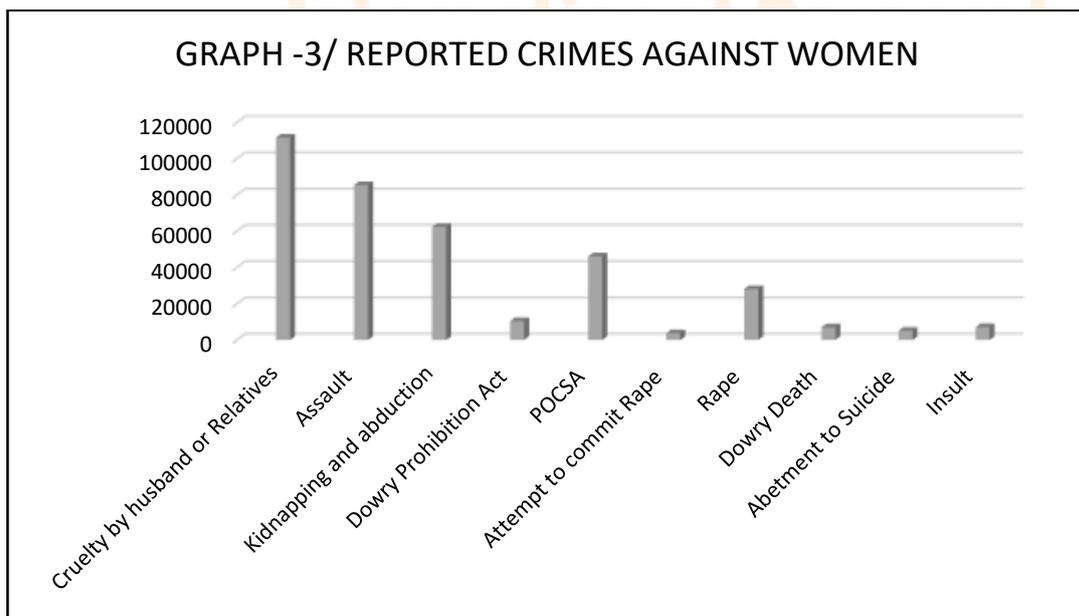
CITIES	YEARS			
	2018	2019		
Chennai	761	729		
Coimbatore	107	85		
Ghaziabad	1128	793		
Kanpur	1574	1315		
Kochi	537	492		



The above Graph 2 titled ‘ Crime against women in Bottom 5 Cities’ clearly shows the declining trend in the crime rates against women in recent years. From the above mentioned graph is it very clear that among these 5 cities , Kanpur have the highest rate of crime in the year 2018 but it declines profoundly in the year 2019 whereas Coimbatore have lowest no of crime against women in both the years 2018 and 2019.

The table shown below which is Table No. 3 portrays the statistical data of the top crimes which are being reported in the year 2020. The table clearly shows that registered cases are very large in number against each and every crime. The graph 3 represents the same data in the form of Bar graphs

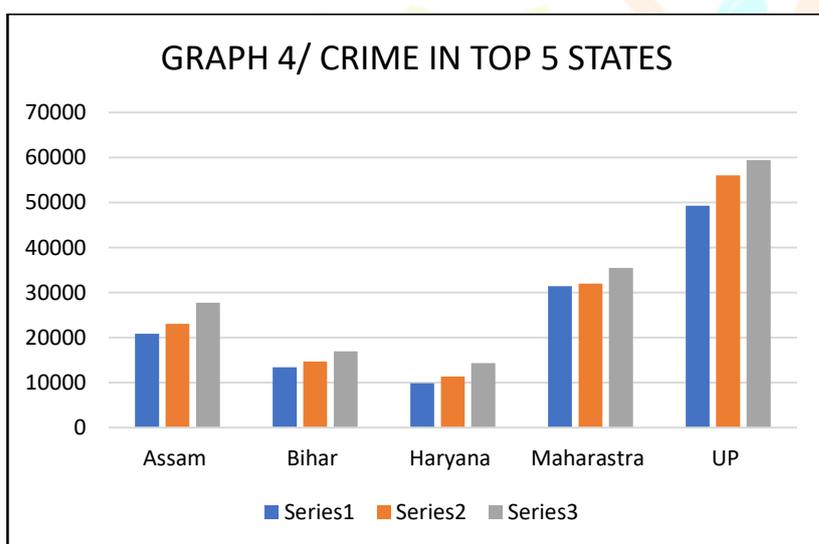
TABLE 3/ REPORTED CRIME AGAINST WOMEN IN 2020	
REPORTED CRIMES	CASE REGISTERED
Cruelty by husband or Relatives	111549
Assault	85392
Kidnapping and abduction	62300
Dowry Prohibition Act	10366
POCSA	46123
Attempt to commit Rape	3741
Rape	28046
Dowry Death	6966
Abetment to Suicide	5040
Insult	7065



The above graph which is graph no 3 clearly shows that the no of reported cases is highest in Cruelty by the husband or relatives. Case registered for cruelty is very much higher than any other crimes. Offence of rape against women is also considerably high than many other offences. The lowest registered case among all the listed crime is of Attempt to commit rape.

The Table No. 4 as presented below shows the crime against women in those 5 states where it is maximum or on top in the years 2016, 2017 and 2018 respectively. From the table it can be seen that the trend is increasing during those years and the highest was recorded in State of UP. Among the listed 5 states the variation is lowest in State of Maharashtra.

States	2016	2017	2018
Assam	20869	23082	27728
Bihar	13400	14711	16920
Haryana	9839	11370	14326
Maharastra	31388	31979	35497
UP	49262	56011	59445



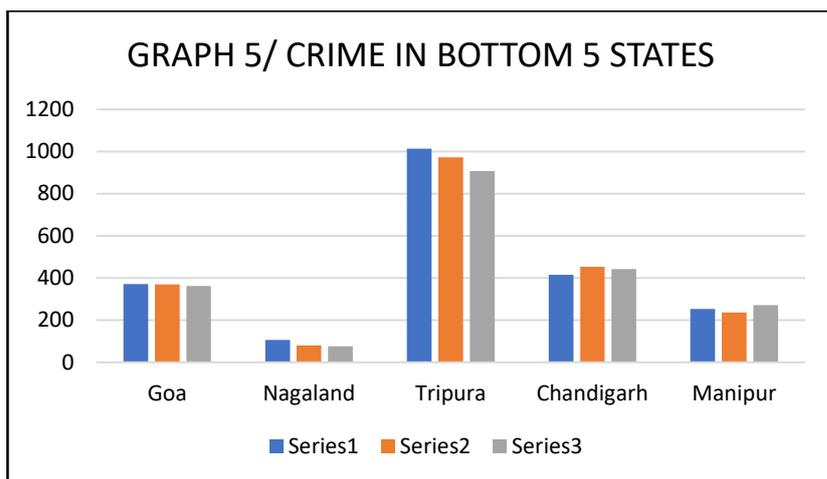
Series 1 – 2017, Series 2 – 2018, Series 3 - 2019

It is very clear from the Graph 4 that, in UP the crime rate against women is increasing consistently and also it is the highest in number than rest of the 4 states as compared in the table. After UP, Assam is the state where rate of crime is increasing rapidly over the years. Now, talking about Maharashtra, where crime rate is not declining but still not increasing profoundly. Hence, from the above graph we can conclude that the rate of crime against women is highest in the state of UP and among the top 5 the lowest crime rate is of Haryana in the year 2016, 2017, 2018.

The table shown below which is Table No – 5 depicts the crime against women in those 5 states where rate of crime against women is considerably low in the year 2016, 2017, 2018 respectively. The statistical data shown below is represented in the form of Bar graphs in Graph No -5.

TABLE – 5/ CRIME AGAINST WOMEN IN BOTTOM 5 STATES

States	2016	2017	2018
Goa	371	369	362
Nagaland	105	79	75
Tripura	1013	972	907
Chandigarh	414	453	442
Manipur	253	236	271



Series 1 – 2016, Series 2 – 2017, Series 3 - 2018

From the shown above graph it is very clear that the rate of crime in these states against women is constantly decreasing from the year 2016 to 2018. Among these 5 states, Tripura have the highest number of registered cases against women but that data is also decreases profoundly. From the graph we can see that in Chandigarh the cases increases in the year 2017 but then decreases in the following year which is 2018. Hence, although there are minor ups and downs in the cases of violence but overall the graph is very low in comparison to top 5 states.

Case Analysis

1: *Manav Adhikar v Union of India*ⁱⁱ: This was the case in which constitutionality of Section 498-A of Indian Penal Code was challenged. The Apex court of law held that Section 498-A of IPC is constitutionally valid in case of Social Action Forum. In this case, the apex court also puts forward the “procedure of investigation” for special duty of care that investigating officer must have to follow while examining and inspecting a case.

2: *Vajresh Venkatray Anvekar v State of Karnataka*ⁱⁱⁱ: In this case the court is of the opinion that one or two times beating by male to his female counterpart are not sufficient for female to commit suicide in ordinary course. The court also stated that, Assault against women cannot be treated as social norm and the court of law must be sensitive against women’s issues in each and every manner.

3: V.D. Bhanot v Savita Bhanot^{iv}: In this case the court held that , a women who is of 63 years of age after 31 years of marriage have no means of sustenance, when compelled to live alone falls within the purview of ‘domestic violence’

4: Manoj Wankhade v Manoj Bhimrao Wankhade^v: The apex court states that “Relative” of the Husband or “Relative” of the male partner includes female also. Legislature did not ever excluded females from the scope and ambit of Domestic Violence Act 2005. Although the word female is not explicitly expressed in section 2(q) of the Act but it is implicitly present in the term ‘relative’

5: Ajay Kumar v Lata^{vi}: The Supreme Court in this case held that, the maintenance claim against the brother of the deceased husband when both have joint share in business and in household is allowed and hence , the orders for interim maintenance was granted by the apex court.

Remedies against Domestic violence

As the cases of violence are consistently increasing year by year and from big margin, then there is a need for the laws that provides remedies. The need for the act was felt by the government long time back and hence a act called “Domestic Violence Act” was passed in year 2005.

In order to protect women and to punish the wrongdoer, of domestic violence, both civil and criminal types of remedies were provided by the laws.

The main provisions of criminal remedies were given under IPC and CrPC. Under Indian Penal Code, the section that deals primarily with the domestic violence against women and give protection is Section 498-A^{vii}. Section 498-A recommends the punishment for the husband or his relatives in the case where women is subjected to cruelty in any manner. The cruelty defined in three ways under this section. It is as follows:

- (I) any act by which women is forced to commit suicide.
- (II) Causing Physical and Mental Injury
- (III) Harassment of Women for any subject.

Although one more section is there in IPC that primary deals against the dowry death. Section 304-B of IPC provides remedies provision for hurt, grievous hurt and abetment to suicide. Along with all these remedies, it also provides the punishments for dowry death. If any women who are newly married died within 7 years of her marriage and she is subjected to cruelty which ultimately leads to the cause of death, then police can lodge FIR against in laws family of that deceased and can start the proceedings against them in the court of law.

The provisions for the Civil Remedies were embedded under Domestic Violence Act 2005. The major Remedies were listed below:

- Right to Reside in Shared Household – It is provided under Section 17^{viii} and Section -19^{ix} of the Act.

- Protection of Order – It is under Section 18^x of the act. This section empowers the magistrate to pass the protection order to prohibit the respondent from committing any act of violence.
- Monetary Reliefs: It is provided under Section 20^{xi} of the act. Through this act, the adjudicating magistrate have the power to pass the order of monetary compensation being paid to the women by the wrongdoer male.
- Custody Order (Section 21) and Compensation orders (Section 22) can also be passed by the magistrate whenever required.

Concluding Remark

In India, the root cause of gender discrimination against women and the violence faced by women is cultural and social beliefs along with the patriarchal nature of society. According to beliefs, females neither have the right to put forward their views in domestic matter not in the matters of society as well. Females are only born to take care of the family, prepare food for them, take care of the child and all these domestic stuffs. Taking into account the patriarchal nature, these days this nature is primarily prevalent in rural areas and little bit in urban areas. According to them, females are comparatively lower in position than that of men, but this theory is now changing rapidly. Today's in modern Indian Society, females are competing in every aspect of life with male counterparts. Even, in some cases they are far better than the males, but this trend can only be seen in the urban areas and still not in rural areas. Thus, government had started many measures so that village people will also understand the importance of growth of females for the overall growth and development of the nation.

Endnotes

ⁱ Article 21, Constitution of India

ⁱⁱ Manav Adhikar v Union of India, (2018) 10 SCC 443

ⁱⁱⁱ Vajresh Venkatray Anvekar v State of Karnataka, (2013) 3 SCC 462

^{iv} V.D. Bhanot v Savita Bhanot, (2012) 3 SCC 183

^v Manoj Wankhade v Manoj Bhimrao Wankhade, (2011) 3 SCC 650

^{vi} Ajay Kumar v Lata, (2019) 15 SCC 352

^{vii} Section 498 – A, Indian Penal Code 1860

^{viii} Section 17, Domestic Violence Act 2005

^{ix} Section 19, Domestic Violence Act 2005

^x Section 18, Domestic Violence Act 2005

^{xi} Section 20, Domestic Violence Act 2005

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