

Gender Based Violence in India: Causes, Patterns and Prevention

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ABSTRACT

Violence against people or groups of individuals based on their gender is referred to as gender-based violence to differentiate it from another forms of assault committed by both people and groups. Acts that cause or are likely to cause bodily, sexual, or psychological injury are included. Moreover, Violence against women includes coercion, random absence of liberty, and the risk of like acts. Such violence against women may be committed by state agents, within the household, or inside groups during “peace times” and conflict. Family members, friends, strangers, or intimate partners-including spouses-may commit it. Among the many common and socially acceptable kinds of assault in the world is probably gender-based violence. This problem is pervasive and enduring in India, and it is closely related to patriarchy and its fundamental presumption that males possess the right and ability to harm women. It is rooted in belief that females are less valuable than male and is associated with both the patriarchal system and masculinity, according to which a “real man” is someone who abuses women. The Indian Constitution’s guarantees of women’s fundamental rights and human rights are severely hampered by gender-based violence. Gender-based violence is a grave human rights violation and a severe health and safety concern. People who escape their homes are frequently more vulnerable to physical, sexual, and psychological abuse, including forced prostitution, rape, and sexual assault. Even though anyone can become a victim of violence due to their gender or sex, women and girls are particularly vulnerable. According to estimates, one in three women will be the victim of physical or sexual abuse at some point in their lives. Public or private sexual, physical, psychological, and financial abuse are all examples of gender-based violence. Threats of violence, coercion, and manipulation are also included. Intimate relationship violence, sexual assault, marriage of children, modification of women genitalia, and so- called “honour crimes” are just a few examples of the various ways this can manifest. The nature and causes of assault against women in India are examined in this essay. India has a widespread and severe problem with gender-based violence, where female experience many types of harassment, discrimination, and assault in public and household settings. Prevalence of violence against women is still a major problem in the nation despite the implementation of numerous laws and programs. The prevalence of assault against female is among the highest in India. The information from NCRB annual report, India has seen a startling increase in crimes against women. A startling rise from 2021 and 2020 is revealed by the data, with 4,45,256 incidents reported in 2022 alone- nearly 51 FIRs each hour. According to data from the NCRB’s annual crime report, “Crime in India 2022,” the number of crimes committed against female per lakh people was 66.4, while the list of charges in these cases was 75.8. India must give gender-based violence top priority and endeavour to provide a secure atmosphere for women. India cannot successfully address the problem of violence against women and protect women’s rights and dignity unless it takes coordinated action and persistent efforts. The Indian Constitution grants women equality and empowers the State to enact anti-discrimination laws that will assist women in overcoming their historical disadvantages in politics, education, and the economy. The government is creating new institutional structures including all-female police stations and national and state commissions for women, as well as reinforcing the current laws through evaluation and revisions when necessary. The literature review of theoretical viewpoints on gender- based violence, the nature and causes of gender-based violence in India, patterns of gender-based violence in India, and preventative strategy is the foundation of this work.

Keywords: Gender Violence, Physical Assault, Sexual Intimidation, Caste Discrimination, Constitutional Equality, Legal Remedies, Prevention

INTRODUCTION

Nowadays, women play a significant role in society by making significant contributions to the economy of their nations along with private and public spheres. However, it is observed that females are regularly mistreated, coerced into having sex, or beaten throughout their lives by either their own family members or by outsiders. The majority of women experience violence against them on a daily basis, regardless of their religion, caste, class, creed, degree of education, or financial status. Women are typically viewed as the weaker sex in terms of their physical prowess and sociocultural context, and they are assigned a secondary rank. On a daily basis, the women deal with violence. Patriarchal control over women is very much the norm everywhere. The main source of the different forms of gender inequality and violence that have left the human people in variously oppressive situations is male dominance in society. India has also experienced gender-based violence throughout its formative years. Many laws and policies have turned the Indian Constitution's declaration of equality for all citizens, irrespective of gender, caste, or creed, into measures to alleviate gendered disadvantages. The goals of peace, equality, and progress are hampered by gender-based violence (Choudhury and Dev, 2018, p. 22).

Despite possible theological variations in violence, assaults on women is a worldwide problem that is not limited to any one region. By 2024, India's the rate of criminal activity against women would exceed the country's population growth rate, according to the NCRB report. All types of violence, particularly the extermination of women, including female feticide, female infanticide, bride burning, and sati, coexist in India in a special way. The frequency of domestic abuse in all its manifestations has likewise increased. Various types of violence against women still occur in society today, although many of these occurrences go unreported because of ignorance or a lack of care (Kumar and Ahuja 2019, p. 326). They may show up directly as verbal abuse, eve-teasing, wife beatings, or kidnappings. In India, women are frequently subjected to various forms of discrimination, hardship, and barriers to reaching their goals and responding to them. These instances may take occurred in public spaces, workplaces, farms, industries, or even families.

In contrast to other forms of violence to other types of aggression performed by individuals and organisations, violence against women is a term utilised to differentiate between violence committed by people or gender-based groups of people. It includes behaviours that injure the body, commit sexual offences, or have the potential to do so. The possibility of such behaviours, coercion, and arbitrary deprivation of freedom are examples of additional violence against women. Such assault on women can exist in the society and within the family during "peace times" or conflict, or by governmental agents. Intimate partners, including spouses, friends, family, and strangers can all be guilty. Regardless compared to women, men's likely to commit violence against women and girls based on gender because of their gender, despite the fact that violence is a the reality that violence is a terrible experience for everyone (Hackett 2011, p. 270). It impacts not just the physical and mental well-being of females, but also their entitlement to bodily autonomy, sexuality, reproductive potential, dignity, and security. The underlying cause of gender-based violence is the imbalance of power between men and women, which is exacerbated by institutional, cultural, and social inequities.

Although the phrases are frequently used synonymously, and there is a clear differentiating between violence against women and gender-based violence (GBV). Although it includes every kind of gender-predicated violence against women and girls, the term "gender-based violence" acknowledges the gender components of the aggression from the perspectives of both offenders and victims. To differentiate against people or collections of people based on their gender from other forms of violence done both by persons and groups, the term "gender-based violence" is employed. Such assault on women can occur in the home, in the community, while "peace times" or periods of confrontation, and through state representatives or non-state actors. It can happen to family members, friends, strangers, and intimate partners. Gender-based violence is therefore a broader and more inclusive notion. The health, dignity, safety, and autonomy of its victims are all jeopardised by gender-based violence, which also reflects and perpetuates

disparities between men and women (Kaur, Kumar and Ahuja 2019, p. 195). It covers a broad spectrum regarding human rights abuses. Women are disproportionately, but not solely, victims regarding violence against women. Although it is unclear how much gender-based violence affects men and boys, they are also occasionally the targets of this type of abuse.

The problem of violence against women is pervasive worldwide and has a major adverse effect on the health and wellbeing of women. When a partner or other individual uses abusive behaviour as a pattern to exert control, dominance, or power over their partner or another individual, it is referred to as domestic violence. Financial, emotional, psychological, sexual, or physical abuse are only a handful of the ways it can affect someone else. According to the WHO 2021 report on global estimations of intimate relationship and non-partner assault, approximately One-third of women globally reported having suffered either sexual or physically abuse in an intimate relationship or non-sexual assault against partners (World Health Organization Report 2023, p. 1).

The most prevalent forms of violence against women in India is violence in intimate relationships, although women are as vulnerable from other types of violence. Regardless of their social, economic, cultural, religious, or geographic affiliations, men have perpetrated these assaults on women. Furthermore, victims of domestic abuse face severe repercussions on their physical and mental well-being, including their health of the sexual and reproductive system, and the effects can linger for a lengthy time. Along with experiencing social and financial challenges including job loss and housing difficulties, it raises the risk of mental health issues like despair, anxiety, PTSD, and suicide thoughts. This study's foundation is a survey of the literature on gender-based violence's causes, trends, and preventative measures. All facets of gender-based violence have been assessed in these three literature reviews. The literature review is presented in this work. The origins and effects of gender-based violence, both nationally and internationally, are the subject of numerous books. A few of these works are reviewed and explored thematically in this article.

Concept of Gender Based Violence

Power imbalances are a component of gender-based violence, in which women are typically the victims and men are the offenders. Acts that cause emotional, bodily, or sexual pain or suffering to women, risks of such acts, coercion, and additional types of loss of liberty are all considered kinds of violence against women. It also covers sexual, physical, as well as psychological violence, which is committed or tolerated by the state and its institutions, in addition to inside the household or the community at large. The United Nations (UN) defined violence against women in the context of gender 1993 as any act of bodily, sexual, or mental harm, threats against women, coercion, or wilful denial of their freedom (Narwadkar 2014, p. 1).

Female infanticide, coerced or forced contraceptive use, forced sterilisation and abortion, and prenatal sex selection are all considered acts of assaults on women. Violence against women may occur for a variety of reasons and has some direct repercussions on human civilisation. As stated by a 2012 United Nations report, gender-based violence highlights that the victim's gender is the main reason for the violence, which typically results in vulnerabilities brought on by their inferior status. The United Nations has used the term "gender-based violence" to recognise that this type of violence has its roots in gender inequality and is frequently accepted and encouraged by institutions, laws, and the community; it is not just an expression of gender inequality but frequently acts to uphold it (UNFPA Report 2024, p. 1). Common violence is distinguished from assaults that target certain people or groups of people depending on their gender by using the term "gender-based violence". According to the CEDAW Committee, violence against women is when someone is attacked because based on their gender. The word "gender violence" refers to a broad category of infractions, including both sexual and physical. Gender violence, it may manifest in a variety of ways in many socioeconomic circumstances around the world, disproportionately affects women. Many scholars have utilised the phrase "gender-based violence" from a sociological perspective, and additionally, they have reframed the notion depending on their goals and objectives.

Gender-based violence is defined as violence directed towards specific people or groups because of their gender; it undermines the safety, dignity, health, as well as human rights of those who have experienced it throughout their lives; therefore, it is directed at an individual based on their specific gender role in society. Although it can affect women and girls, as well as males, are are disproportionately affected. Violence against women is described as

violence that reflects and reinforces disparities that exist between men and women and affects the health, dignity, security, and autonomy of the survivor (Sharon 2014, p. 148). The UN agency UNFPA has made combating violence against women a priority to fulfil the Millennium Development Goals. Human rights violations include the following: the right to education; the right to equality; the right to liberty; the right to live with dignity; the right to politics; the right to livelihood; the right to choose one's profession freely; the right to property; the right to an equal opportunity for employment; the right to work in an equitable manner; the entitlement to equal pay for equal work; the right to be free from gender discrimination; the right to social protection in the event of retirement, old age, and illness; the right to maintain personal privacy; and more. Each of these abuses possesses the capacity to cause severe psychological damage, harm women's and girls' overall health, particularly their sexual and reproductive well-being, and in certain cases, even cause death. Particularly, assaults on women impedes efforts to accomplish the Millennium Development Goals of Goals.

Causes behind Gender Based Violence

In India, physical, sexual, and psychological injury are all considered forms concerning violence against women, which persists as a serious public health issue despite various regulations and initiatives. It is also the reality that both men and women are the targets of human rights abuses. In recent decades, gender-based violence has gained international recognition as a significant problem that impacts not just women but also the achievement of equality, progress, and peace. The subject has drawn interest from feminists and women's organisations in several states. Although gender-based violence is a worldwide issue, understanding the unique historical and sociocultural elements at play in each unique environment is essential to better comprehending the patterns of violence and its causes and, ultimately, eradicating them. The distinctive feature of gender-based violence in India is that other behaviours that appear to be serious can also be classified as violent acts; these behaviours include coercion and verbal abuse, physical harm, serious bodily harm, and sexual abuse that qualifies as rape or ravishment (Susmitha, 2016, p. 605).

Both private and public settings can experience gender-based violence, which disproportionately impacts women. The types of gender-based violence may include anything from verbal abuse to and hate speech on the internet to rape or murder (Sharma 2017, p. 1). It can be sexual, physical, verbal, psychological (emotional), or socio-economic. In their homes and communities, children-particularly girls and young women-frequently encounter violence. Along the way to school, girls may also encounter violence, including bullying, intimidation, and sexual harassment. These rights violations can affect girls' capacity to continue and finish their education, especially when they are perpetrated by individuals in positions of care or authority.

The primary cause of gender-based violence is the uneven standing of men and women. It stems from the imbalance of power between men and women and between girls and boys, and it is sustained by social conventions, attitudes, and behaviours that marginalise and discriminate against women and girls. Economic considerations also play a role; a higher likelihood of aggression directed against women, girls, and young people is linked to elevated rates of unemployment and a dearth of social and community services (Gokhale Institute of Politics and Economics 2022-23, p. 36). Crime and violence are also more prevalent in nations where inequality has increased.

Gender-based assaults against girls and women, such as forced marriage, torture, arbitrary killings, and sexual violence, can increase due to conflict. Sexual violence predominantly targets women and girls, and it is becoming more common as a tactic of war in racial conflicts, such those in the north-eastern states. The availability of small guns, the general breakdown of social and family institutions, the general breakdown of the rule of law, and the "normalisation" of violence against women as an extra component of pre-existing prejudice are all elements that contribute to the surge in violence against women in post-conflict cultures. A society's capacity to shield women and children from gender-based violence can be severely weakened by armed conflict, natural catastrophes, and humanitarian crises (Susmitha 2016, p. 604). Violence against intimate partners rates frequently rise during times of crisis. Girls and women could be compelled to exchange sex for cash, food, and other necessities of life. Additionally, in some locations, they are coerced into getting married young in order to provide for or protect their family.

Women and girls are more prone to experience violence if they live in poverty. Poverty-stricken girls are more prone to be married young by their families in many nations, and the younger a woman or girl gets married, the greater the

likelihood, intensity, and frequency of abuse committed by her spouse. Children of young marriages have a higher probability of live in poverty and have lower educational opportunities. Because of the dynamics of power, control, inequality, and violations regarding human rights present when there is trafficking for forced (domestic) labour and/or sexual exploitation, Human trafficking is a subcategory of gender-based violence (Choudhury 2018, p. 20). Because they are seen as “less important” in both their home and new nations, trafficked women are subjected to abuse. This is because they frequently lack the autonomy to make their own choices and quickly give their bodies and lives over to others, usually men. Due to the dynamics of power, control, inequality, and violations of human rights present in cases of trafficking for forced (domestic) labour and/or sexual exploitation, trafficking is a subcategory of gender-based violence. As they are seen as “less important” in both their home and new nations, trafficked women are subjected to abuse. This is because they frequently lack the autonomy to make their own choices and quickly give their bodies and lives over to others, usually men.

Patterns of Gender Based Violence

The socio-cultural systems that are in place around the world cause discrimination and inequality against women. Individuals and societies are negatively impacted for a long time by these gender-based disparities. Due to a variety of intersectional and multilayer factors, Against women and girls, aggression is still widespread. Many types of everyday assaults against girls and women are disregarded and often seen as the usual in India. The NFHS-5 report 2019-21 found that 29.3 percent of married Indian females in the age range of 18 and 49 have been victims of domestic abuse at some point in their lives. Since a large number of these offences go unreported, the true incidence is probably even greater. The NCRB reports that the number of offences against women has increased, rising from 428,278 in 2021 to 445,256 in 2022 (NCRB Report 2023, p. 1).

According to the United Nations Human Rights Committee regarding aggression against women, there are three types of aggression directed against women: assault in the community, assault in the home, and the brutality that is committed or approved by the government. Using these broad categories, assault against women in India can be further divided into three categories: State-perpetrated or sanctioned violence, assault in the community, and assault in the family. Sexual abuse of children and domestic violence in the home, violence related to dowries, rape and incestual rape committed by relatives, honour crimes, abortions that target certain sexes and female infanticide, violence against lesbian, bisexual, and transgender individuals, and violations of rights related to sexuality and reproduction are all connected to acts of violence in the family (Ignatius 2013, p. 1). Community violence comprises sexual assault, sexual harassment, and rape in public and at work, acid-throwing, "witch-hunting," sati, honour crimes, forced prostitution, trafficking in women and children, abuse of disabled women, violence against Adivasi and Dalit women, and communal violence. State-sanctioned violence includes rapes, torture, and murders in detention, assaults on migrant labourers who are women, refugees, and internally displaced people, assault against women in military settings, violence against communities, and other mass crime situations.

Globally, gender-based violence is a prevalent social problem, and the components that have been identified as contributing to it nearly mirror one another, regardless of political, geographic, social, or other boundaries. The victim's private life, family, society, and community are all impacted by gender-based violence, both directly and indirectly. Some of the contributing elements to gender-based violence have been found by several studies that have been carried out over varying time periods. Any action that psychological, physical, sexual, or threat abuse perpetrated by a sexual partner against a female who is related to her through marriage, family, or friendship is considered domestic violence, and it originates from the sociocultural structure of the community (World Population Report 2005, p. 1). Among the many prevalent types of violence directed at women is domestic violence, which is defined as abuse committed by a spouse or intimate partner. India has a high rate of domestic abuse against women pervasive and transcends caste, class, religion, and geography. Because of the persistent belief that domestic violence is a personal concern instead of a societal responsibility issue, it has remained largely uncontested in Indian society. It is important to remember that domestic violence encompasses a variety of offences beyond physical assault, such as financial abuse, honour crimes, FMG, psychological abuse, and sexual assault by a current or past intimate partner (Rani and Khan 2015, p. 8).

Strategies for Preventing Gender Based Violence

Violence against women based on gender is illegal, and those who commit it face legal action by the legal mechanism in accordance with Indian legislation. The Indian judicial system has two different types of legislation viz; Bharti Nyaya Sanhita (BNS) and Existence of specialised local law (Ministry of Women Child Development Report 2024, p. 1). Crimes can be classified as either cognisable or non- cognizable. Bharti Nyaya Sanhita (BNS) and Special and Local Laws (SLL) are the two primary classifications into which cognisable offences fall. Non-cognizable crimes, on the other hand, are those that police cannot look into without a competent magistrate's permission. India's official criminal code is Bharti Nyaya Sanhita (BNS). It is a thorough code designed to address every significant facet of criminal law, and Special and Local Laws (SLL) are state-framed acts that address particular problems. In order to combat the widespread problem of domestic abuse, the Protection of Women from Domestic abuse Act (PWDVA) was passed in 2005. However, altering men's and women's attitudes that domestic violence is acceptable in specific situations is a major obstacle to combating domestic violence against women. Women and girls live apart from their relatives, those living in rural poverty, slums, brothels, or on the streets, people with physical or mental disabilities, people stigmatised because of abuse, and anyone in situations of ethnic and communal conflict are all at risk of being trafficked (Ministry of Women and Child Development Report 2024, p. 1).

Trafficking is addressed in "The Immoral Trafficking (Prevention) Act, 1956" and "Sections 370 and 370A" of the Indian Penal Code. In recent years, there has been an increase in the frequency of media coverage of acid attacks against young women and adolescent girls in India. Inequality of gender and prejudice against women in Indian society, and the low social status of women and girls are the underlying reasons of the imbalanced sex ratio figures, which are additionally a consequence of female infanticide, female sex selective abortions, and the selection of male embryos at the pre- conception stage. Women could be forced into a cycle of abuse and exploitation as a result of the unfavourable sex ratio. One piece of special law that deals with this topic is the Pre-Conception and Pre- Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 2003.

In addition to guaranteeing women's equality, the Constitution of India gives the government the authority to put in place anti-discrimination guidelines that will help women overcome their long- standing socioeconomic, educational, and political disadvantages. Equal rights and opportunities for men and women in the political, economic, and social domains are granted by Article 14. Although discrimination against any individual on the grounds that religion, ethnicity, caste, sex, etc. is prohibited by Article 15, Article 15(3) contains a specific provision that permits the State to discriminate affirmatively in support of women. Article 16 guarantees every citizen's equal chance in matters pertaining to governmental posts (Gokhle Institute of Economics and Politics Report 2022-23, p. 1). The Indian Constitution not only ensures women's equality but also grants the government the power to enact anti-discrimination laws that will assist women in overcoming historical social, educational, and political barriers. Article 14 guarantees men and women equal rights and opportunities in the political, economic, and social spheres. A particular clause in Article 15(3) allows the State to discriminate affirmatively in favour of women, even while Article 15 forbids discrimination against any citizen based on caste, race, or religion, sex, etc. All citizens are guaranteed equal opportunity in matters pertaining to governmental posts under Article 16.

On the one hand, the government is creating new institutional structures like all-women police stations and national and state commissions for women, as well as reinforcing the current laws through evaluation and revisions when necessary. On the other hand, it is managing initiatives that serve women in need, such as working women's hostels and short-term housing, and it is rehabilitating victims of violence through programs like Swadhar. In addition, the National Commission for Women and a number of non-governmental organisations are educating and orienting police and judiciary professionals on gender issues, with a particular emphasis on assaults on women.

The State has passed numerous laws to protect equal rights, combat social discrimination, stop various types of violence and atrocities, and help working women in particular in order to fulfil the Constitution's mandate. While women may fall victim to any number of crimes, including murder, robbery, cheating, and so forth, acts exclusively targeted at women are referred to as offences against women. These can be broadly divided into two groups: offences including rape, kidnapping, and abduction for various purposes, homicide for dowry, dowry deaths or their attempts, torture, both mental and physical acts, molestation, sexual harassment, and other offences listed under the Bhartiya Nyay Sanhita (BNS) fall under the first category. The second category includes offences listed under the Bhartiya

Nyay Sanhita (BNS), including the Protection of Women from Domestic Violence Act of 2005, the Commission of Sati (Prevention) Act of 1987, the Dowry Prohibition Act of 1961, the Indecent Representation of Women (Prohibition) Act of 1986, and the Immoral Traffic (Prevention) Act of 1956 (Goel 2020, p. 44).

The Indian government has, however, taken several steps to prevent these crimes, such as setting up helplines for women in need under the Swadhar Scheme and offering assistance to victims of violence through initiatives like Swadhar and Short Stay Homes. These programs offer medical aid, maintenance, counselling, housing, occupational training, and other services. Through the implementation of focused programs in trafficking hotspots, the government offers grant-in-aid programs that aid in the rescue and rehabilitation of human trafficking victims as well as the prevention of human trafficking. The State and National Commissions for Women are organising legal literacy and awareness camps in order to address complaints.

In addition to amending the relevant Acts, Administrations of the Union Territories and State Governments have been given instructions and guidelines on how to effectively enforce laws pertaining to crimes against women, monitor their enforcement, improve the criminal justice system's administration, and take any necessary steps to prevent crimes against women and other vulnerable groups in society. The following actions are recommended: raising awareness among Police officers are responsible for safeguarding women; enforcing the laws against dowry violence; establishing women's police cells in police stations and special women's police stations; offering institutional support to victims of violence; counselling to victims of rape; and taking steps to put a stop to human trafficking (Ministry of Women and Child Development Report 2024, p. 1). Additionally, states have been encouraged to establish State Advisory Committees to provide advice on trafficking issues, guarantee a larger pool of female police officers, train police officers on particular laws pertaining to crimes against women, establish Fast Track Courts, and establish Family Courts.

CONCLUSION

This study's primary goal is to quantify the various types and levels of gender-based violence against women in India. Secondary sources and secondary data were used to get the conclusion. The main types of gender-based violence against Indian women are rape, husband abuse, and assaults committed with the intention of inciting anger. Women are experiencing psychological, emotional, and even sexual assault in addition to physical violence as a result of their husbands' brutality. These diverse types of aggression directed towards women occur in a wide range of ways and to a high degree. Physical violence is the most prevalent kind of gender-based violence, with the greatest number of victims among these many forms. Psychological violence disrupts the victim's physical and emotional well-being. Another severe crime against women is sexual violence.

The second goal is to identify the factors that contribute to gender-based violence. Some particular conclusions can be drawn from the secondary data, primary survey data, and focus group discussions. One of the main causes of the violence against the women in the survey is the parents' low income. Parents' low financial standing hinders them from providing their daughter's family the necessary, consistent financial support. Despite having given a dowry and gifts at their daughter's marriage, it can also be inferred that a large portion of violence against women results from their failure to regularly maintain their in-laws' household. Other significant reasons of gender-based violence include women's lack of education, premarital and extramarital affairs, the need for parental financial support, the male counterpart's unemployment, and the husband's intoxication. It is also concluded that gender-based violence against women decreases as per capita family income rises, or that gender-based violence against women increases when respondent family income declines. Additionally, it is believed that if husbands become more literate, the issue of domestic abuse directed at women will decline. It is determined that their calm lives are impacted by the husband's increased extramarital affairs, and thus, respondents protest, which leads to a rise in assaults on women.

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