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# STUDY ON CONDUCT AN ANALYSIS OF THE STAKEHOLDERS ABOUT THE RIGHTS OF A WOMAN IN ACCORDANCE WITH THE DOMESTIC VIOLENCE LAW

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#### Abstract

This violent behaviour is firmly rooted in both cultural and socioeconomic practises, and it is well established throughout both of these realms. Act to Provide for More Effective Protection of the Rights of Women Who Are Victims of Violence of Any Kind Occurring Within the Family and for Matters Related to or Incidental Thereto Act to Provide for More Effective Protection of the Rights of Women Who Are Victims of Violence of Any Kind Occurring Within the Family and for Matters Related to or Incidental Thereto Act to Provide for More Effective Protection of the Rights of Women Who Are Victims of Violence of Any Kind Occurring Within the Family and for An Act to Provide for the Greater and More Efficient Protection of the Rights of Women Who Are Victims of Any Kind of Violence Occurring Within the Family Create a law to better protect the rights of working women so that they can continue to contribute to society. The prevalence of domestic violence is alarmingly high, despite the fact that it has, for the most part, been kept hidden from the view of the general public. The term "domestic violence" refers to a pattern of behaviour that arises when one person in a familial or domestic relationship makes an effort to coerce or exert control over another individual.

keywords: Law, socio-economic, violence, Domestic

#### INTRODUCTION

Violence against women is experienced by women of all ages and social classes, all races, religions and nationalities, across the world. It is overwhelmingly perpetrated by men1. It is the most pervasive violation of human rights in the world today. Its forms are both subtle and blatant and its impact on development is profound. And it is so deeply embedded in cultures around the world that it is almost invisible. The term violence derives from the Latin word vis, which means force and refers to the notions of constraint and using physical superiority on the other person. Violence is mutant, as it is influenced by very different times, places, circumstances and realities. There is tolerated and condemned violence, as violence has existed on Earth if mankind, assuming different, increasingly complex and at the same time more fragmented and articulated forms. The United Nations Declaration on Violence against Women provides a basis for defining gender-based violence. Per Article 1 of the Declaration, violence against women is to be understood as: "Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life".'

#### FORMS OF VIOLENCE AGAINST WOMEN:

Different forms of gender violence include intra family or domestic violence and violence at work, manifested through physical, psychological and social aggressions. Intra family violence is a form many women are submitted to, which originates among family members, independently of whether the aggressor is sharing the same home or not. Aggressions include violation, physical, psychological and economic abuse and can sometimes culminate in the abused woman's death. Habitual psychological, sexual or physical violence occurs among affectively related people, such as husband and wife, or adults against minors or aged people within a family. Abuse is characterized by the set of conducts that intentionally cause physical harm, pain or injury to another person (8). It includes acts ranging from slaps to severe injuries that can cause death. Violence manifests itself physically as well as through all those forms in which people's individual guarantees are oppressed, made impossible or violated. Hence, all definitions agree that violence is any act against women's dignity, independently of its origins. Domestic violence, gender violence and violence against women are terms used to name a severe problem (9). In domestic violence, the aggression comes from the partner or another family member, moving beyond house walls and affecting elderly, children and disabled persons. In gender violence, the aggressors are persons close to their victims, and aggressions occur in private or public spaces. One of the most common forms of violence against women is committed by their husbands or intimate partners (10). The fact is that, generally, women are emotionally involved with their aggressors and economically dependent on them. This violence by intimate partners occurs in all countries, independently of the social, economic, religious or cultural group. Violence by husbands or intimate partners is committed against the "weak sex". These cases include mishandled women. This type of abuse has also been frequent in homosexual relations. Thus, a large majority of cases of partner abuse has been committed by men against their "partner" (11). Gender violence boils down to the result of male domination and female subordination relations, in which the man intends to avoid the woman's escape because he does not want to divorce her, keeping her subject to a submission she cannot escape from (4). Based on experts' affirmations, we can summarize that gender violence is concentrated in individual aggressions that go beyond the social level, undoubtedly reflecting one group's domination and another's subordination. Studies have emphasized the prevalence of the intrafamily violence phenomenon and associated risk factors. Conditioning factors have been appointed in different levels of analysis, ranging from social and cultural aspects (authoritarian and patriarchal values, acceptance of violence as a way to solve differences, ethnic groups), gender (valuation of violence in male role performance, acceptance of violence and punishment as a way to solve couples' conflicts), psychological aspects (greater impulsiveness, alcohol and drugs use) to (parents', victims' or a mistreated couple's ) childhood experiences of violence(12). Violence against women and girls includes physical mistreatment, as well as sexual, psychological and economic abuse. Again, it can be affirmed that "gender-based" violence develops because of women's subordinate condition in society (11). Two of the most common forms of violence against women are abuse by intimate partners and forced sexual activity, which occur in childhood as well as adolescence or adult life. Abuse by an intimate partner, also known as domestic violence, mistreatment or aggression against the wife, is almost always accompanied by psychological abuse and, in most cases, by forced sexual relations. Most women mistreated by their partners suffer aggressions. In fact, abusive relations usually develop in an atmosphere of fear and even terror. In industrialized countries, forms of violence are not the same for all couples experiencing violent conflicts (10). There are at least two patterns:

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1. A severe and growing form of violence, characterized by different forms of abuse, terror and threats, accompanied by increasingly possessive and controlling behaviors by the abuser. 2. A more moderate form of violence in the relationship, where constant frustration and anger occasionally erupt in physical aggression.

According to the study by Casique(13), gender violence perpetrated by intimate partners against women can manifest itself through physical acts, psychological violence, as well as social acts involving the violent situations women live in. Physical aggression: This type of violence against women is the most evident and difficult to hide, as it affects their physical appearance. Women suffering physical aggression mostly experience numerous acts of violence over time. Physical violence is understood as any action implying the use of force against women of any age and in any circumstance, which can manifest itself through blows, kicks, pinches, bites, throwing of objects, pushes, slaps, spankings, stab wounds, scratches, hits on the head, injuries, burns, fractures, abdominal injuries and any other act against their physical integrity, producing marks on their body or not (13,14,15). Psychological aggression This type of violence is more difficult to detect, as victims present psychological scare, which are more difficult to observe and prove (16). Psychological or emotional violence occurs by rejecting caresses, threatening to beat up the woman and her children, impeding the woman to work, have friends or go out; the partner, in turn, tells her about his amorous adventures and, at the same time, accuses her of having lovers. A study carried out in Chile identified diverse manifestations of psychological violence, classified as follows (16):

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Verbal abuse: humbling, insulting, ridiculing, humiliating, using mental games and ironies to cause confusion Intimidation: scaring with looks, gestures or screams; throwing objects or destroying property - Threats: to hurt, kill, commit suicide, take the children with him Isolation: abusive control of the other person's life by watching over her acts and movements, listening to her conversation, impeding that she makes friends Disdain: treating the other person as inferior, making important decisions without consulting the other Economic abuse: abusive financial control, imposing monetary rewards or punishments, impeding the woman from going out to work although this is necessary for family maintenance It is important to highlight that victims of psychological violence often think that what happens to them is not sufficiently severe and important to decide on attitudes to impede these acts, including denouncing them to competent organs. Some victims believe that they would not be creditworthy if they denounced their aggressor. In other cases, someone the woman respect tells her that she should continue in this abusive relation for the good of her children or to guarantee the rights acquired through marriage (16). Many women do not dare talking or denouncing that they are victims of mistreatment, out of fear of the aggressors' threats against themselves and their relatives. Many indirect manifestations of violence comprise the so-called "destructive acts", which are forms of aggression or psychological pressure used by a man in a conflicting relationship, making the woman's free circulation impossible. Social aggression: No consensual definition was found among the main authors studying violence. However, in this study, social violence was considered as any action that impairs women, imposed by conducts or attitudes of acceptance or rejection which society establishes as adequate in view of the violence women suffer, as well as the social conditions involving the situation the violence victim lives in. The violence women are victims of has not come out into the open, since it is considered as something natural and private. Violence is reinforced by religions and governments through standards and codes. This generates myths and beliefs that are not always in conformity with current reality, although society has legitimated them, at some moment, due to not always very clearly known motives (17). Popular myths and beliefs about violence include:

- Violence is natural, it has always existed and will always exist - Home is a private space, in which nobody should interfere - Violence occurs in low social classes, where poverty and low education levels prevail - Alcohol and violence provoke episodes of violence - The aggressor is violent in all of his actions and interpersonal relations - If the violent man shows regret or apologizes, this will allow him to change his abusive behavior - Beating is a proof of love "I spank you because I love you" - Man can neither control his impulses nor handle his passions - The aggressor is mentally ill - Mistreated women can abandon their homes

whenever they want to - Women should stay with their partners under any circumstance, so that their daughters and sons can grow up together with their father - The situation is going to change for the woman, it is just a matter of waiting, doing one's best and being more comprehensive - Women like to suffer - If there is no jealousy, there exists no love in the couple - Woman cannot escape from violence Nowadays, women increasingly participate in economic activities. Their insertion into the labor market has provoked social changes in productive institutions and homes. Nevertheless, job discrimination continues, devaluing women and avoiding their ascension. Thus, the family provider role is being changed by women's economic independence, which undoubtedly affects her functions at home, a fact men traditionally are not willing to accept. Social class is an important factor in the physical aggression phenomenon. This means that the underemployed class should receive special attention in intervention strategies related to the problem, consequently decreasing violence statistics that directly affect women (18).

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## CRITICAL ANALYSIS OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

Under the guise of protecting individuals, this legislation undermines the institution of marriage by fostering intolerance and encouraging pointless litigation, even over relatively minor disagreements between spouses. This regulation is predicated on an incorrect premise and makes the assumption that men are the only people capable of committing acts of domestic abuse. This is an entirely false image, and all it does is reaffirm the gender bias in favour of women that has been formed as a result of this rule. The law bestows a right on a woman without obligating her to do any duty, yet the obligations placed on men are unfairly onerous, and they are denied any privilege that is even remotely comparable to the one bestowed on women. Because the law treats men and women differently, there is no legal protection for men who are victims of domestic abuse. This Act has given recognition and legal status to extramarital relationships or other immoral relationships, which are neither recognised by our society nor by our existing matrimonial or penal law. This was done in the zeal of providing protection and assistance to women, which this Act was intended to do. During the process of enacting the Act, the legislative body failed to take into account the fact that one of the grounds for divorce is having sexual relations with a person other than one's husband. Even sections 24 and 25 of the Hindu Marriage Act of 1955, which allow for support pendente lite and permanent alimony respectively, do not recognise any connection other than that of a lawfully married husband and wife. This is because these parts provide for maintenance pendente lite. In addition to this provision of the Code of Criminal Procedure section 125, which grants maintenance to a wife, children, father, and mother in a more general sense, the Code of Criminal Procedure does not recognise persons having illegitimate relationships as being entitled to claim maintenance, with the exception of an illegitimate child. According to subsection 125(4) of the Code of Criminal Procedure, a wife who is living in adultery is not allowed to make any kind of maintenance claim against her husband under subsection 125(1) of the same code. Adultery is specifically mentioned as an offence under section 497 of the Indian Penal Code, however the lawmakers failed to take this into account. Therefore, while a man will be prosecuted for adultery on the one hand, at the same time he will be compelled to pay maintenance as well as provide residency rights to a woman with whom he is alleged to have maintained an illegitimate relationship. In other words, while a man will be forced to pay maintenance and provide residency rights to a woman with whom he is alleged to have maintained an illegitimate relationship, Because of this provision, marriage bonds will be severed, which will throw a wrench into the functioning of society's social fabric. There was no comprehensive legislation defining domestic abuse before to the passing of this Act, with the exception of the offence of cruelty that is punished under section 498-A of the Indian Penal Code. Some people believe that the concept of violence should not be given such a broad meaning. [Citation needed] The definition of the term "economic abuse" that is provided in section 3 of the Act suggests that even if a male member of the family merely misappropriates or disposes of the share of a women member

of the family (i.e., movable or immovable assets), he may be hauled up for committing domestic violence. This is because the term "economic abuse" is considered a form of "economic abuse." This interpretation runs counter to the intent of the Act as well as the core idea of what constitutes domestic abuse. Again, the Act does not differentiate between actual abuse and the prospect of abuse, and it assigns identical weighting to even the possibility that abuse would occur. In addition, with regard to the concept of emotional abuses, insults, and verbal abuse that is enshrined in the Act, the terms in themselves are extremely relative and subjective, frequently depending on one's mindset, and surprisingly, the husband does not have any legal recourse in the event that the wife commits any form of abuse. The provisions of this article will be used in the event that a person refuses to pay any amount of money for any reason. Even if the husband does not have sufficient resources or if he is incarcerated, the non-payment of rent related to the shared household will still be considered economic abuse.16 In this enactment, the Magistrate has been entrusted with unaccountable powers because he is invested with the responsibility to take cognizance of the case and also for executing his own orders in favour of the aggrieved woman even without being approached for the execution of his orders. The fact that the Magistrate who is presiding over the case is required to consider not just the specific act of violence at issue in the case, but also the general circumstances, is an extra unsettling factor. A very troubling provision can be found in Section 14 of the Protection of Women from Domestic Violence Act, which was passed in 2005. This provision states that the Magistrate may order the person who has been wronged to participate in counselling together with the respondent and any member of the service provider. This goes against every standard that is acknowledged in the counselling profession. Because neither the victim nor the abuser are in an equal position, it is impossible to provide collaborative therapy in this kind of setting. It is impossible for it not to result in the disempowerment of the party that is unequal. Counseling is one of the strategies that may be used to change abusive behaviour; as a result, it is only proper that the abuser, and not the victim, be the one who receives counselling. The potential exists for the victim to participate in therapy on their own free will. If one of the parties involved in the procedure wishes for it to take place behind closed doors, the Magistrate is authorised to do so under Section 16 of the Protection of Women from Domestic Violence Act of 2005. But at some point during the processes that take place behind closed doors, you should try to frighten the party that is claiming wrongdoing. This is especially true in situations where the injured party is the sole woman in the courtroom and is up against an all-male phalanx consisting of hostile and sneering magistrates, attorneys, officials, police, and male responder, among other males. The scenario calls for changing this clause such that an in-camera process can take place not when both parties want it or when any party wants it, but only when the party that feels wronged wants it. For the purpose of providing her with emotional support, the injured party ought to be granted permission to bring along any female relative or social worker she sees fit. Complaints of domestic abuse may be lodged with either the protection officer or the police officer, in accordance with the provisions of section 498-A of the Indian Penal Code, according to the Act. Both of the authorities are able to carry out their investigations in their own right and then present their findings to the Magistrate. In the event that the two agencies produce reports that are in conflict with one another, it is the responsibility of the Magistrate, who possesses the final power, to make a determination. This parallel investigation into the same offence has been concluded, which brings us to one of the Act's key flaws. The Act does not address the issue of non-compliance with certain directives. It eliminates any possibility of conciliation in the foreseeable future. The most serious problem with this assumption is that it gives the impression that all future attempts at reconciliation would be futile. On the one hand, the Act punishes a man for coercing his wife into quitting her employment, and on the other hand, it gives financial support to the exact same woman who was coerced into quitting her job. However, the law does not provide for any such remedy to be made available to a man in any situations that are comparable. According to the Act, in the event that there are no eyewitnesses available, the woman will serve as the principal witness, and her testimony will be taken into consideration together with other circumstantial evidence in order to reach a

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decision regarding the facts of the case. This has effectively given all women the authority to punish males whenever they choose to. The sloppy wording of this rule will make it possible for women who are crafty and without scruples to administer a lesson to any of her male relatives at her alone command if she so chooses. There is no question that the Act is a milestone piece of legislation in the history of India, and the people of India greeted it with great excitement. Despite this, there is worry among the people over the misuse of the Act against the innocent husband and his family members. There is no way that one can state, in a broad sense, that problems, torments, and disagreements of any type always originate on the part of the spouse and the in-laws. This is categorically not the case. It is not always accurate to say that the married lady acts in a just and fair manner. This Act is being misused in a lot of situations, where it is being used as a weapon by wives and their paternal relatives to put an innocent husband and their family through undue harassment. This is occurring in a number of cases where it is being used as a weapon. Therefore, before going forward with the application of the provisions of the Protection of Women from Domestic Violence Act, 2005, the concerned parties and authorities should think about the consequences of the application. This is to ensure that innocent people and their families are not subjected to unnecessary harassment as a result of the application.

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#### **Domestic Violence:-**

When one person in a family-like or domestic connection makes an effort to compel or control another individual, this behaviour is referred to as domestic violence. Abuse of power occurs in domestic violence, which can manifest as physical violence, sexual abuse, emotional or psychological abuse, emotional or psychological abuse, verbal abuse, stalking and intimidation, social and geographic isolation, financial abuse, cruelty to pets or damage to property, or threats to be violent in these ways. Men are the primary offenders of violence against women in the home, accounting for the vast majority of reported incidents. In the context of this article, "domestic violence" refers to any and all instances of physical, sexual, psychological, or financial abuse that take place within the context of a family or other domestic unit, or between former or current spouses or partners. This definition applies regardless of whether or not the offender shares or has shared the same residence as the victim.

#### Forms of Domestic Violence:-

Abuse in the home can take many forms, including emotional, psychological, physical, sexual, and financial mistreatment of a partner or family member. Many perpetrators of domestic violence engage in activities that encompass more than one form of abusive behaviour, and the lines dividing many of these patterns of conduct are sometimes fairly hazy.

#### **Emotional or Psychological Abuse**

Abuse on an emotional or psychological level can take the form of either verbal or nonverbal communication. This is the most significant kind of violence that is committed against women. Verbal abuse, such as screaming, calling someone offensive names, laying blame, and humiliating are all examples of emotional abuse. Isolation, intimidation, threats of violence, and conduct that controls you are all examples of controlling behaviour.

#### **Physical Abuse**

The term "physical abuse" can refer to a wide variety of activities, including but not limited to the following: punching, slapping, striking, biting, pinching, kicking, ripping out hair, pushing, shoving, burning, and strangling.

#### **Sexual Abuse**

In violent relationships, a woman's right to consent is likely to be disregarded, which makes rape and other forms of sexual abuse more frequent. Sexual abuse can take place in any circumstance in which an individual is coerced into engaging in sexual behaviour that is not desired, is hazardous, or is demeaning. Additionally, it is believed that women whose partners abuse them physically and sexually are at a higher risk of enduring many attacks that escalate in severity over time.

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#### **Economic or Financial Abuse**

Abuse on the economic or financial front has the goal of preventing the victim from getting the assistance they need. Controlling the finances, withholding money, making someone unreasonably account for money spent or gasoline used, exploiting assets, withholding basic necessities, preventing someone from working, deliberately running up debts, forcibly working against someone's will, and sabotaging someone's job are all examples of tactics that can be used.

#### Honor based violence

Domestic abuse is referred to as "honour based violence" (HBV) when it is committed in the name of anything that is purported to be "honour." HBV might include a woman having a lover, turning down a forced marriage, having interfaith relationships, wanting a divorce, dressing inappropriately or wearing improper make-up, or even kissing in public. HBV can exist in any culture or community where males are in a position to establish and enforce women's conduct. Some examples of such cultures and communities include South Asian, Turkish, Kurdish, Afghani, African, Middle Eastern, South and Eastern European, India, Pakistan, and others; however, the prevalence of HBV in Bangladesh is not at an extreme level.

#### **Early and Forced Marriage**

This is a significant challenge for the society that we live in. In Bangladesh, the term "early marriage" refers to a union that takes place before the age of 18 for a woman and before the age of 21 for a man. A marriage is considered to be "forced" if it is done under coercion, without the free and informed agreement of both parties, and against one or both of their wills. Those who are married against their will may be subjected to a variety of traumatic experiences, including physical assault, rape, kidnapping, false incarceration, servitude, emotional abuse, and even murder. It is imperative that the terms "forced marriage" and "arranged marriage" not be confused with one another. In the case of a "arranged" marriage, both parties give their informed permission to the union.

#### **Female Genital Mutilation**

Female genital mutilation, sometimes known as female circumcision, is a practise in which females, who are often under the age of 16, submit to operations that are mistakenly believed to protect their virginity and marital faithfulness. FGM is also frequently referred to as female circumcision. In many cases, health practitioners are in the greatest position to recognise women who have been subjected to FGM. The labia and clitoris may be partially or entirely removed during the treatment, depending on the patient's preferences. It is common practise to carry out this procedure without obtaining the young women's consent, administering anaesthesia, or taking any precautions against infection. It is projected that two million women will have their genitalia altered in some way every single year.

#### **Elder Abuse**

Abuse of the elderly might fall under the category of domestic abuse. This refers to the act of causing injury or distress to an older person within the context of a relationship in which there is an expectation of trust being maintained. The majority of abused seniors are elderly ladies who are either disabled or suffer from a chronic ailment. Once more, the most common offenders are intimate partners, adult children, or other members of the same family.

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#### Teen 'dating' abuse

Abuse in the home is not something that just happens between adults; there is growing understanding that violence may occur amongst teenagers as well. A boyfriend has been accused of physically abusing many teenage females. When compared to women of other age groups, young women are more likely to be victims of sexual violence. Younger women who are in relationships with older males are more likely to become victims of crime.

#### Domestic abuse during pregnancy

Abuse in the home during pregnancy is a major cause for worry from a public health perspective and can have devastating effects on both the mother and the unborn child. When a woman is abused when she is pregnant, she is likely to have injuries to her genitalia, breasts, and abdomen. As a result, it may be deduced that abusive relationships inside the home are responsible for a sizeable share of the maternal and perinatal death and morbidity rates. The most common complications that can result from violence during pregnancy are placental separation, foetal fractures, antepartum haemorrhage, uterine rupture, and premature labour. Abuse can also have a secondary, more indirect effect on the health of a woman and her unborn child by causing the mother to have a poor diet and limiting her access to prenatal care.

#### **CONCLUSION**

This is because of the fact that they do not know about their rights. Lack of awareness about the law and rights guaranteed under that legislation for them, but the most important problem is that women are not informed of their rights, which is related to traditional practises. Lack of awareness about the law and rights guaranteed under that legislation for them. The legal remedies that are provided by the government for the protection of women are not able to be obtained by the victims of the violence. Women are still viewed as secondary sexe in our society, which is believed to be bound by tradition and is male-dominated. This causes them to experience the effects of violence in silence, which is why it persists. The reality that women in India are subjected to human rights violations in a manner that is peculiar to their gender in India. She is frequently disregarded and underappreciated. The Protection of Women from Domestic Violence Act (PWDVA), 2005 was approved by the Parliament in response to the increasing need for legislation of this kind all over the world, as well as the results of the ongoing efforts of women's organisations that are fighting for the advancement of women. The Act grants the women's rights and ensures their protection. Prior to the passage of the PWDVA in 2005, the victim had access to remedies in the form of punishment for the offender under the Indian Penal Code (IPC). The civil remedies of divorce and maintenance did not provide her with complete relief. The remedies that were available were related to matrimonial proceedings and also accorded with court proceedings. Women had access to statutory provisions as well as constitutional provisions; however, these provisions were insufficient, and the most significant issue regarding it was a lack of awareness about their rights, which the constitution provides for the protection of women. Those provisions were insufficient. The effects of domestic violence are not limited by factors such as race, caste, religion, or social status.

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