3.1. Domestic violence in ancient Law and Domestic violence in modern law

**Domestic Violence in Ancient Law:**

There were many violence suffered by women in ancient period i.e. sati pratha, Beejdhan (seed donation) widow hood, early marriage, forcible sexual intercourse with other men, kidnapping, molestation, Johar vrath, Rape by family member, adultery ‘Niyog’. In ancient period women’s chastity was not safe because of “beejdan” i.e. women donate the seed (child), men had sexual intercourse with a women who was not have child. ‘Beejdan’ was a cruel custom in ancient period. In ancient period the other cruel custom was ‘Niyog Pratha’ in which the other men was not to have sex with other men’s wife for child and also that time women were treated as a machine who had produce child.  

It is correct to say that Indian women are since ancient period to present / modern period denied to freedom and development her. They are not allowed to take participation in the fields of culture, social, economical activities of the society. The society has given second class or inferior position to women and shows bias against the women.

Domestic Violence in India is very old problem because the women are weaker Sex in India. It is forcibly accepted by the women and this will be happened by the traditional of India.

In ancient period As per Aithareya Brahmana that once the girl child born then she will give lifelong responsibility to family i.e. on birth she give pain and weep to mother, young age her father and on marriage time member of family suffer lot of pain and weep by the girl. In young age girl doing many blunders and swipe family reputation, relatives etc. she gives lot of problem, pain to her father, mother husband and her family members. Because of giving sorrow to all the relatives of family she will became ‘DARIKA’.
As per the Digambara of Jainism the women are born only to live family lives and they are not allowed for moksha. They are allowed moksha after the god has created them as men.  

In ancient period, the status of female are as pet animal, and the male gender is the superior of female gender as female are weaker in sex. The male were kept them under their hands. The female in that period not allowed to independence. They were kept in house as pet animal. They have no rights or privileges but they performed their duty honestly and blindly. In that period ‘Vadhu’ a slave women / girls will be sexually intercourse by the men without performed the marriage. These girls received by given dowry, or by gift, or snatched them from the enemies and the women who have control over her were rights to sex with girls/ women. In that period few girls or women are the tribe’s property and any men of tribes have sex with that women and therefore those women will became the prostitutes.

History says that men and women have unequal relations, This gives discrimination against the women and also dominate over the women by men .In skanda purana saya " That wife is treated her husband as god as well as her guru, pilgrimage to her ,virtuous vows of dharma to her husband, hence she kept everything aside and worship to her husband. Gautama says " A wife is not have any freedom of tongue , eyes and acts ,she do everything as per her husband voice. There was thinking of a people in that period that Men is enough but every wife must be faithfully and orderly to her husband even though husband is old age, dumb ,deaf, gambler,handicapped, neglect to children and wife and extra marital relationship with other woman . And also wife is unhappy when her husband unhappy. When husband happy and crying then the woman also happy and cry with her husband.

In India there is great gender discrimination and this will start from pre-birth of child selection and Infanticide. The means of gender discrimination are women not got proper food, lack of medical facilities, low education, child marriage, lot of home work, children care, lack of awareness, and got many physical, mental and economical abuse by the family and
husband, and also got dowry harassment and sometimes women do suicide from this harassment.

The women is always depends upon her husband and she sacrifice her whole life for her husband. The women in maidenhood depend upon her father, her husband in young age and her son in old age , means in whole life she is dependent upon men gender.

Ancient period women will not allowed asking any question but following her husband order. She will be allowed to eat any food after her husband eats. many a time’s wives have forcibly sex by their husband against their consent. The wives are beaten and harassed by the family members for conceive male child. There are many cases of female foetus in India when the wives are not agreed for abortion, it is happened specially in rural areas. In India female foeticide and female infanticide continuing increases.

In ancient period child marriage was practiced and the parents of the daughter were in a obligation to marry his daughter when she attained puberty. as per Manu widow marriage was strictly restricted and therefore the child widow suffer their whole life like hell and also bear many problems in life, the women's marriage life was a sinful life.

In ancient period women is seen as divine, creative, nurturing and supporting and on the other, She is considered to be the epitome of what is dangerous carnal and evil . Female is divine, holy and pure and is worshipped. "Brahma" is supposed to be half male half women, "Purusha" and "Prakriti".When "Prakriti" conjoins with "Purusha", it result in creation. By sacred tradition woman is declared to be the soil, the man is seed and the corporal production is through their union. ¹³

In Mahabharata age domestic violence going continuing as Gandhari was married to dhrastrarajj (blind man), and the draupadi was married with five brothers and in Adiparva of Mahabharata, satyawati the mother of vichitravirya allowed her first son rishi vyas to have sexual intercourse with her son's wife for child, the Bhisma’s younger brother, and therefore out of which sexual intercourse Dharmastra and pandu were born and
mentioned that Pandu also gave force to Kunti for sexual intercourse with Brahmin for son.

The sati was the religion in that period. In that period all the wife of Vasudea i.e. Madira, Bhadra, Devaki, and Rohini and Pandu’s second wife Madri also performed “Sati”. The wife was also not allowed to live without her husband and if husband died then the wife also burn with her husband and therefore the “sati pratha” was practiced in that period.

There are many authors or in Vedas etc. the meaning of women were very different i.e. in Hinduism women were treated as “torch lighting the way of hell”. The women are lust and greedy by born. The women given bad influences to men in their social life. The saint Kabir says that “Kabira tin ki kya gat Jo hit nari kai sand” regarding the women’s company. The saint Tulsidas says regarding the women that “Dhol gavar sudar pasu nari, teno tarran key adhikari” means the sudra, animal and women are same and the all are deserved for beating, without beating them they are not understand anything. Yogi Gorakhnath said regarding women that the women are “bhagani” means she robbed the youthful vigour of man.

The saint Sankara Deva of the 14th century says that women are ugly but shows her heart is heart of sages. She destroyed the prayer, meditation and penance of the men and therefore men should not accompany with women. Women are not honored in Hindu society in Hinduism believes in religion that culminated in the formation of social attitudes despising women. In that period women were treated as sudra and believe that she will be liable for the unhealthy of the men. They were treated as slave in the dominance of Brahmins period.

As per Padma Purana says that if the husband bit his wife then wife not allowed to react on but she will fall on the legs and demand forgive from him. When the husband dies left behind his wife then the duty of the wife to burn with her husband.

As per the Manu laws wife must bear all the insult, humiliation with silence mouth. And if she talk against this violence then the husband will
allowed to beat her wife by rods, bamboo stick etc. The wife has no rights to protest herself against the husband’s violence. That time wife has no equal rights with her husband. (Wikipedia, the free encyclopedia Genocide of Women in Hinduism “by Sita Agrawal). In ancient period women were not allowed to independent activity, but they were Compulsory associated with the religious works performed by their husbands. Thus they have no personal identity in her life, and after death, she re-born as a women and reunited with their husbands. In that period people’s view that re-born as women was a sin of past life. 7

As per Manu the son was the family member’s first choice and therefore the neglected the health of the daughter-in-law. If the female was born they were killed to female child and if female child was born then she will be not allowed to live with her basic fundamental rights.

In that period if women has given birth to male child then her position will be improve in family and states. As per Manu wise man are not to sit with his wife, mother of her sister. In this period the development of the women was prohibited. In that period as per Manu (Manu X 4) women’s work are not regarded as better and sufficient.

The all rules and regulation followed by India, which were laid down by Manu and in that laws Manu given the lower rank to the women. As per Manu women treated her husband as god and she should give always give respect to him. As per Manu husband have a right to take any action against the wife if she would not done activities against the will of her husband. As per the Manu laws wife must bear all the insult, humiliation with silence mouth. And if she talk against this violence then the husband will allowed to beat her wife by rods, bamboo stick etc. The wife has no rights to protest herself against the husband’s violence. That time wife has no equal rights with her husband.

In ancient period Women were strictly kept in the house within four walls of house with “purdah”. The women’s were not allowed to go freely outside the house. In that period the wife and women do not have her own identity. The marriage life is the only one and final aim of the women at that
time. In ancient period the quarrel between husband and his wife were not allowed to litigate in customary tribunals or kings court neither bailment nor contracting of debt, neither bearing testimony for an nor partition of property was allowed between them.

In ancient period women were not allowed to independent activity, but they were Compulsory associated with the religious works performed by their husbands. Thus they have no personal identity in her life, and after death, she re-born as a women and reunited with their husbands. In that period people’s view that re-born as women was a sin of past life.

In satapatta brahamana it said that.”A lady who is called Jaya is half of a man.”In vyas samhita, we find the importance of wife,”A man is incomplete till he gets a wife,”.

The bandhayana deserve a special mention when he says that”The wife is even more precious than wealth,”Rigveda has given a supreme place to woman, it is said that “She is sole mistress of the household.”

In Artharvaveda, it is said that “she is the mistress of the home, took part in domestic duties and religious rites along with her husband and takes part in family councils.”In Aitareya brahamana wife is called a friend.”. But still there were many violence suffered by women in ancient period i.e. sati pratha, Beejdhan (seed donation) marriage and widow hood, early marriage, forcible sexual intercourse with other men, kidnapping, molestation, Johar vrath, Rape, adultery ‘Niyog’,. In ancient period women’s chastity was not safe because of ‘beedan’ i.e. women donate the seed (child), men had sexual intercourse with a women who was not have child. ‘Beejdan’ was a cruel custom in ancient period.

In ancient period the other cruel custom was ‘Niyog Pratha’ in which the other men was have sex with other men’s wife for child and also that time women were treated as a machine who had produce child.

Status of women in India:-
In ancient period when women are insulted thinking is insult to nature. The people thought that if women are increases then the society are also increases. From ancient period to Turk period women have enjoyed many freedom and great status. But because of economic, traditional, and political status of men are restricted the women development.

**Women in Vedic Period:**

As per rigveda and Yajurveda, the system of joint family was going on and the old men person of the family have the full rights over the family activities and after that the son is the head of the family and not allowed to any women to do any important affairs of the house. Still this is going up to 21st century. There was “Sati Pratha” system in those days, means when the husband was died then the wife also burn herself with the husband.

In that period women were lost their independent and their status was degraded to that of “Sudras” i.e. Lowest caste of ancient Hindu Society. The women were discriminate in whole life in all fields of social, economic, political and cultural activities. The Sex discrimination infringed the rights of human rights and fundamental freedom of the women.

In that period sexual intercourse before marriage with any person was not allowed and not have any legal status to that women and born child. As per yajurveda, when the boy born then he was the full authorized person of the family but when the girl child was born the she was exposed or put her to death.

In that period “Duttak Pratha” or religion was there and therefore the King Bharat got Shantanu as his “Duttak putra” for his kingdom.

In that period women were not allowed to take part in the assembly (sabha), panchayat or also not at the time of funeral, they are excluded by the politics.

There are many types of marriage were allowed like "Gandhari-Dhristraj" "Jodha—Akbar" etc. and if not marriage within age limit then the girls will be allowed to choose her husband as per her choice, that is called
“Swamvar” The best example of “Sita” and “ Draupadi” . But these were not continued till today.

In that period widow can forced to re-marriage with her husband’s family member.

Women in Brahmanism:

In all four Vedas the Brahman was got the first position. Brahman and Rajput have the power to control over the all caste people. In that period the girl of the Brahmans was not allowed to marry with the ST / ST OBC and other caste of people except Raj put. The women must faithful to her husband was strictly followed. And the custom of Sati was established in that period.

Women in Upanishads:

The Gargi was the chief of the Upanishads and as per gargi wife is the voice of the man. In this Upanishads only son will allowed to help the father in his all works i.e. social, economic and political.

Women in Manu’s law:

As per Manu’s law women’s have great image. Women was strictly followed her husband then she we will be allowed to go for heaven. As per Manu the Child marriage was permitted and the age of child was 8 years enough. 

As per manu’s law women was under the control of men over full life i.e. The women in maidenhood depend upon her father, young age her husband and old age she is depend on her son /sons, means in whole life she is dependent upon men gender , means the women were not allowed the freedom in that period.

As per manu the women were allowed to go for education but only for domestic purpose. According to Manu, a husband should beat his
wife only with a rope or a split bamboo, so no bones are broken in process. There is however a sea a change in the attitude of cords and acts of physical violence by the husband against their wives are highly disapproved.

As per the Manu laws wife must bear all the insult, humiliation with silence mouth. And if she talk against this violence then the husband will allowed to beat her wife by rods, bamboo stick etc. The wife has no rights to protest herself against the husband’s violence. That time wife has no equal rights with her husband.

Women in Puranas:

In this period the wife is useless if she has no son issue.

In this period men were not believed / Trust on women and as per Puranas “The mouth of a women rains honey, but her heart is like a Jar full of poison. She uses Sweet words, but her hearts is like a razor. Her face is cheerful, but her mind is unclean.” (Brahma –Vaiverta) and also speaks that “A Women sows the seed of quarrel!” and as per the Devi Bhagvata Purana Says that “vain boldness, Falsehood, stupidity, craftiness, over greediness, impatience, harshness and impurity are women’s qualities by born.”

In that period men are allowed to remarry with other women if wife delivered the daughter and not son. In that period men were allowed to many marriages e.g. Pandu had second wife Madri, Dashrath had three wives, and the Krishna had sixteen Thousand wives. "13

Women in Hinduism:

In ancient period women have the strong position, it is correct to say that their position are superior position than men. In that period women were called as “Shakti” means “Power” and “strength” and believed that all men’s power come from female. Many of the evidence declared that the many kingdom and cities were destroyed because the woman was tortured. .There are many example we seen i.e. In Valmiki’s Ramayana the kingdom of the ravana was destroyed by Rama because the ravana was kidnapped sita.
In rishi Vyas’s Mahabharat we learn that all the family of Kauravas were killed in Kurukshetra by pandavas because they humiliated the wife of pandavas in front of public.

In the Ramcharitra Manas, Tulsidas states that drums, uncivilized, illiterates, lower castes, animal and women are all deserved to for beaten.

In Hinduism, there are many example shows that the women was got domestic violence and violence from the other best examples, The Rani padmavati the wife of Rawal rattan Singh, Chittor. The alluddin Khilji made repeated attacks on Chittor to obtained the Rani Padmavati forcibly, He wants to kep Rani Padmavati to his harem. After that Allahudin Khilji defeated the Rawal singh and want to capture padmavati but after listening the information of defeated of Rawal singh all the women and their daughters in that Mahal/Royal Palace done “Jauhar Vrata” i.e. they burn themselves with their daughters to save themselves from the Muslim soldiers.

The following are the few examples of domestic Violence against the women in ancient period:

- Adoption of girls for prostitution:
- An ahalya was tuned into stone by her husband (‘manu’) :-
- child marriage:
- widowhood
- Cruelty and Battery :
- Devdasis and nagarvadhu :
- Draupadi was publicity tortured by kaurvas :
- No or less Education :-
- Foetus:-
- No Freedom / Independent :
- Gender Discription :
• Husband have leadership:
• Husband provide identity :
• Husband called upon wife to cohabit :
• Husband gives physical protection to wife :
• Husband is the God and master of the wife”(Ramayan) :-
• Jauhar Vrata:
• Kautilya allowed the husband to beat his wife (yajurveda)” :-
• Maintenance :
• Marriage :
• Modesty :
• Niyoga pratha :
• No Equal Rights :
• No equality before law
• Property Rights:-
• Purdah System and Zenana:
• Sale of Girl child :-
• Sapinda
• Sati :-
• The Husband had complete control over the mind and body of his wife, without his consent :-
• Violence exists and exist everywhere :-

**Foetus:-**

As per ancient law when the baby girl born in house, it was considered that God of Laxmi born in house. As per Hinduism killing of foetus is a sin and prohibited. In manu’s dharmasastra say that priest killing and unborn child killing are the same thing (Chapter VIII, Verse 317) and Muslim Jurists also said that when the foetus is ready in womb, he/she got the soul and then the abortion is restricted. The Catholic Church also prohibited abortion. 14
As per section 315 of the IPC child killed in womb are punishable to offender.  

Sati:-

The word “sati” was the great word in ancient law. The women who is true and Virtuous is called “sati” and considered goddess. And the people thought that “sati” gives bless, prosperous and emancipation.”  

Figure No.1 Sati Custom

According to the ancient Hindu expert story, sati was the sage daksha’s daughter and she was loved with lord Shiva, but her father was hate with shiva and therefore he has not invited shiva in his daughter’s swayambara and he do not want shiva to become his son-in-law. The above reasons are enough to sati to burn her into a yagna. Thereafter some people say that sati convertet into koel; others say that sati was reborn as goddess uma. Yet others hold that siva danced, in anger, round the world seven times
with her chored body and fearing that siva might destroy the world, Lord Vishnu cut up sati’s body into many pieces and wherever pieces of her limbs fell became a pithasan (place of Pilgrimage). 17

Other famous Hindu expert’s story is Savitri and Satyavan, in this story, when the husband of savitri died, the lord of death yama came and took her husband’s soul. Then savitri begged satyavan’s life by giving his soul in his body but god yama could not do so. After long way savitri follow the god yama for satyavan’s soul but yama denied to save satyavan’s life then at last yama offered savitri to a boon other than satyavan life. Savitri demand children from satyavan and yama gave this boon to her. But indirectly savitri demand satyavan’s life. As per yama’s boon given to savitri, lord yama had no alternate but to restore satyavan to life and so savitri saved her husband’s life. 18

This sati was not heard in some part of India, this custom was mostly happened in the west Asia.

Widowhood :

In an Ancient period when husband was died then women are not allowed to re-marry And no one allowed to marry with widow and therefore widow got lot of violence in that period.
Figure no.2 widowhood

**Gender Discription:**

The position of women coming from the ancient law ‘Ramayan and Mahabharat’, period. In Valmiki ‘Ramayana’ we seen that sita was the Pativrata stree who has follow her husband when ram go for van prasthan for fourteen years. And when Ravana abducted the sita then she has given ‘Agni Pariksha’ to prove her Chastity.  

**Cruelty and Battery:**
Ancient period women were suffered cruelty from their family. The best example is Ramayana, In Ramayana period; Rama forced her wife sita to give agni pariksha because he wants To prove her Chastity. This was the great cruelty of rama against her wife sita. And this is not finish here, Rama forced to leave his wife in forest at the time of her pregnancy because the washer man doubts on his wife’s character when she return back from the ravan’s Ashok van and reside with Rama. It shows that since last many centuries Cruelty is coming till modern period.

![Figure no.3 Sita’s Agnipariksha](image)

**Desertion:**

In Hindu Mythology Damayanti was the Vidarbha kingdom’s princess and the wife of ‘Nala’ the king of Nishadha.
She was the very beautiful girl at that time. The Gods Indra, Agni, Varuna, And Yama also wants to marry her. But she declines the offer of Gods and Chooses Nala as her Husband. And after birth of two children Nala lost his kingdom in dice game. And thereafter no other choice to reside in forest with poverty. This is also the great story of violence where wife decline to marry with gods and choose a man as her husband and Husband live wife in a forest with poverty.

Figure No.4  A happy Princess Damayanti
The great Indian woman is Sita, she was also deserted by her husband Rama and sent to jungle through her brother-in-law Laxman when she was pregnant.
Shakuntala was the daughter of Rishi Vishwamitra and Maneka, the Apsara. Maneka distract the sage Vishwamitra from his deep meditations and born shakuntala and left to heaven. Vishwamitra angered by the loss of the virtue gained through his many yard years of strict asterism, distanced himself from the child, left the shakuntala in the forest. Kanva rishi took the shakuntala in his ashram and maintain her. When she got young age she falls in love with King Dushyanta and got Gandharav marriage with Dushayyanta. After marriage dushayanta left the shakuntala promising to come back soon and take shakuntala with him. But many years has been expired but dushayanta not come back, In between son Bharata was born then after both went to dushayant’s kindom but as per the curse of rishi Dushayant decline shakuntal as his wife and bharata his son.
Figure no. 7 Shakuntala Fall in love with dushayanta.
The husband of mira bai gives poison to mira bai to stop this bhakti of shri Krishna.\textsuperscript{20}

The other famous example regarding cruelty was Brahmarsi Vishwamitra and Maneka. This cruelty story was very old from Ramayan, In this story the Brahmarsi Vishwamitra deserted / cruelty to deny accepting Maneka and her daughter Shakuntala because they represented to him a lapse in spiritual pursuits and his earlier renunciation of domestic life\textsuperscript{21}
In ancient law, as per manusmriti (Manusmriti 4-78) Women are deserted by her husband if women not given respect to her husband on some evil, such as husband is drunkard and not allowed to wear ornaments etc.\(^{22}\)

**Modesty:**

In Mahabharata period we saw the cruelty / modesty of the family member, when the durodhana ordered his younger brother dushashan to disrobe the draupadi, dushashan pull out her sari / Vastraharan before the houseful court / Rajyasabha. This is the great cruelty/modesty was done with draupadi in Mahabharata period and after some years Draupadi again suffer cruelty by the husband of dushella the sister of dauryadhan and cousin sister of pandavas by trying to kidnapped and modesty .\(^{23}\)
Ahalya bai the other example of modesty in ancient period. The indra want to have sex with ahalya bai the wife of Gautam rishi and therefore One day early in the morning when gautam rishi went for ritual bath the same time indra masquerades as Gautam rishi and asked ahalya bai for sex and remind that this is her first duty to satisfy her husband so ahalya bai ready for sex and satisfy the indra but same time gautam learns the indra's deception through super natural powers and return to ashram. However, Gautam rishi catches them when they are doing sex. Gautama rishi gives curse to his wife as a result she became a stone. This example shows the modesty of the Indra and cruelty of the Gautam rishi against his wife.
Fig.11  Ahalya bai a beautiful wife of Rishi Gautam

Same gotra Marriage not allowed (Khap Panchayat):

As per arthasastra the castes and mixed castes existed, the marriage between the other castes were common. The divorce was also approved by Mutual Consent but except in respect of dharma marriages. The same gotra marriages were not allowed.  

As per manu smriti, the daughter is allowed to marriage herself within 3 years after she become marriage age.

As per Hindu marriage is civil agreement and sacrament, which takes the form of gifts in the brahma. As per asura form of marriage “A sale of girl” is a marriage. And as per gandharva “the agreement between the parties is called is marriage.”

As per Vasishtha, the marriage with Sudra women was not allowed but permitted the re-marriage with virgin widows.

As per Narada, he allows the re-marriage of widow’s.
As per manu smriti, manu allowed the second marriage only when the first wife was died but the widow may not marry again. In Vedic periods the age of marriage Girls is between 8 to 12 years. According to Kautilya the age of boys was 16 years and the girl is 12 years. "Swanvar" was allowed in that period.  

Nambudris not permitted more than one wife and also divorce and widow remarriage is not allowed.

As per apastamba if the wife is able to born sons and also able to perform her religious duty then the men are not allowed to re-marriage another wife.

The child marriage and re-marriage of widow was totally restricted by the society in some community.

**Property Rights:**

As per Manu, the property rights were not recognized by birth in ancestral property. As per Smritis the daughter was the legal heir and the widow was not the legal heir of the property. The son of the sudras wife is not entitled for the property of his father.

As per Vedas the women was not have the inheritance rights but only the son or appointed son of daughter have this rights.

As per the Gautama, the followers of samaveda, the wife will be the shareholder of the property of a man if he dies without male issue or not adopted daughter.

As per Vishnu, The wife, his daughter, father, mother, brother, as the legal heir of the deceased who has not male issue.

As per Narada, the father of deceased have the rights of property distribution but the widow of the deceased not have any heirship rights on the property.
As per Brihaspati the widow, the daughter and the mother are also the heir of the deceased.  

As per Manu ix 416, the women are not have any property rights of her husband. (Manu IX 416).

Freedom / Independent:

As per manu laws women are not allowed to freedom, means in childhood she was under the control of father, in adulthood she was under the control of Husband and in elderly age she was under the control of son. (Manu IV 148)

As per Manu smriti woman is having worst wants, hated with others, deceit, jealousy and having bad character and therefore she will not be allowed for freedom.

Maintenance:

According to Gautama the stridhan of the women goes to her unmarried daughters and in default to unendowed married daughters. The brahman husband or Kshatriya wife son of brahman and Kshatriya husband have the property rights and if the brahama or Kshatriya husband got son from his sudra wife then that son have only maintenance rights if dies without male issue.

Sale of Girl child:

As per Apastamba the sale or gifts of a child was prohibited. But as per Vasistha the father and mother have full rights to sale or give their son to other and even to abandon him.

The asura form of sale of daughter in the name of marriage is still practiced in south India.

Hira V/S Hansji, In this case held that the consideration given by the ex-husband of the bride was not considered because the same consideration
(Which was received from ex-husband) given by the parents of the bride, so therefore the marriage of asura form is not fulfilled.

Chunilal V/S Surajram 45, where the court held that anything given to the bride’s parents and that will not useful for bride then it will be fulfilled the asura marriage and it means the sale of girl was completed.

Education:-

As per manu the education rights was similar to both men and women. 46

Adoption of girls for prostitution:

There are a custom of adoption of daughter for the business of prostitution by prostitution class or family to continuous their prostitution business. There are also a custom of adoption of dancing girl for prostitution. 47

Devdasis and nagarvadhu:

women were married to a deity or temple is called Devdasis. The devdasis were sexually exploited in ancient law and it was seen in the southern states of India. 48

There are few kingdom where “nagarvadhu” means Bride of the nagar / city, tradition was going on and the best example of is “AAMRAPALI” 49

No Equality before Law:

Disputes between husband and wife were not allowed to be litigated either in the customary tribunals or in the king’s courts. Neither bailment nor contracting of debt, neither bearing testimony for one another nor partition of property was allowed between them. 50

The family members have abused women when they participated in Indian freedom. Women have suffered many problems like not being allowed to go for education, sexual oppression, domestic abuses, etc.

No Equal Rights:
As per Manu–smriti the position i.e. Freedom and rights of women continuous going to decreases. Manu has discriminate the women in the administration of justice, women has given more punishment than men for the same offence done by the men and women. Manu gives capital punishment to women when she is guilty of infidelity. Manu says that when touch the other person, meets of talks to other person except her husband, the fingers will be cut off as per law.

As per Bhagavad Gita ix -32 verse the women are inferior to men by birth.  

As per Manu smriti woman is having worst wants, hated with others, deceit, jealousy and having bad character and therefore she will not be allowed for freedom.

**Honor Killing:**

As per manu if you have killed a woman or a girl, it will not a sinful act and the honor killing is the part of this.

**Jauhar Vrata:**

Jauhar vrat is a crucial custom in ancient period. When the husband and father of daughter were died on battle then that time women were do this jauhar vrat from save their dignity and avoid molestation from the enemy soldiers.

Rani Padmini was the queen of king Chittor. When the unequal war with the sultan’s army started, she sure that chittor will defeat by sulran’s army and therefore there is no chance except to do ‘’Jauhar Vrat’ or face dishonor at the hands of the victorious enemy. Hence the padmini accept Jauhar with hundreds of women.
Purdah System and Zenana:

In the Muslim period the custom of purdah system was practiced by the women to conceal their skin from the males. It means the women are not allowed to move freely anywhere and also it shows the women was inferior to
men. The purdah system was also practiced in view of to save from themselves from the muslim soldiers from kidnapping, in the muslim period.  

Human Rights
In period Muslim women were secluded to “zenana”i.e. women are not allowed to go in the house areas of zenana. In ancient period women are not allowed for bhakti, the best example of “ MIRA BAI”. The husband of mira bai gives poison to mira bai to stop this bhakti of shri Krishna.

Niyoga Pratha:
Niyoga means a woman (whose husband is impotent or died without procreation of child) have select or requested any man to support her for bearing the child. In which practiced women are not allowed to marry that person from him she had sexual relation to bear child. When the child born then the child was the son/daughter of father and mother not selected man. The woman and child would not have any relation with that man. In this sexual activities man and woman thoughts that this is only dharma work and not lust in the mind.

This Niyoga was very common in ancient law and woman was forcibly accepted this because of his husband or his family members who want child for their family. There are Many example we seen in the history of
India. In Mahabharata rani Satyavati used this niyoga practiced, she compels her 2 daughter-in-laws (Ambika and Ambalika) of vichitravirya to sex with sage Vyas to do niyoga and got Childs by named pandu and Dhristraraj.

When Pandu suffer from the curse of the rishi ( when you sex with your wife then same time you will be die) , Hence pandu forcibly insisted his wife to perform niyoga with other man and therefore kunti and madri perform niyoga with gods and got five sons. The other example of Kalmashapada who has also suffered from curse that if he has sexual activities with any women then he will be died immediately and therefore he requested his sage Vashishtha to perform niyoga with his queen for child.

The Manu Smriti has also mentioned Niyoga in ix 59-63 and also restricted in 64-68. The Marathi Film named ‘Anahat ‘ directed by Amol Palekar based on ‘Niyoga Pratha’ it was shown in the In the international Film Festival 2003. This Niyoga Pratha also seen in ‘Eklavya: The Royal Guard (Amitabh Bacachan) and Sanyasi film of Kulbhusan Kharbanda released on 1989.  

Sapinda:

As per ancient law when women are failed to birth child from her husband then she will be forcibly have cohabitation with her brother-in-law and her relatives and also from her in laws.

**Domestic Violence In Modern Law:**
The old writer said that “A woman is the half body of the husband and when both joins then man became complete man.” Manu says that “men should respect and give honored to women.” Women must be honored by father, mother, husband, brother brother-in-law etc.” Manu says that “the gods are there where the women are respected.” The Manu says that “the husband got his wife from the god and he must be care to wife when she is faithful to him till death.” But in today’s world women position is very worst.

It is correct to say that Indian women are since ancient period to present / modern period denied to freedom and development her. They are not allowed to take participation in the fields of culture, social, economical activities of the society. In social life of that period women are prevented to participate in many fields. The society has given second class or inferior position to women and shows bias against the women and at the age of reproductive women suffered domestic violence. In her presented many changes that have undergone from the ancient times to modern times regarding status of women. In the British period, many reformative movements were stated like Prathna Samaj, Arya Samaj, etc. This is a very big problem faced by the Indian society because the Indian society wants male child and not the female child. It is a complex worldwide and has a powerful presence in the Indian society. This domestic violence crosses the boundary of culture, tradition, religion, caste, etc.. There are many types of domestic violence which affect the health of women. This violence affects the women between the ages of sixteen - forty four years, is causes death and disabilities.

Domestic violence against women are done within the four walls of the houses of the middle class families, There various types of abuses done on women along with its causes. More than fifty percent female suffer domestic violence resulting into psychological effect one and to curb such situations, one requires social and economic support coupled with public awareness to support such women. This domestic violence must be prevented because the women are also required for the development of any country and if the women suffer such violence then how are they supposed to
help in the development of a nation. women in India do not have any open air status and are always considered inferior to men in position.

Indian tradition and culture are very old and famous in the world. Ancient period women had many rights but they could not protect their rights. The women in ancient period had rich status but as per the change in time the women status degraded and the result are seen through Sati Pratha, Child Marriage, etc. In today’s date Indian legislation has introduced the Domestic Violence Act which strives to protect the rights of women against her husband and his family members. In India the women have suffered all cruelties / harassment of the husbands and his family members. To prevent all these cruelties and abuse of the husband and his family members, women can take support from the newly introduced laws and acts.

In Muslim period the position of women deteriorated fast. The education freedom was taken away from the women and the period of complete male dominant period. In that period many religious and social restriction on women. The property rights only go to sons not any women. The purdah system, Dowry System, polygamy, infanticide was highly existed in that period. In that period male member can work sometimes but the women were worked longer times a day. The status of women in that period was second. In those period women suffers the unequal laws of family.

Domestic violence/s are caused upon women by men due to the reason that the structure of the body of a man helps to dominate upon the women. the women are born only for the work of household work. The women are doing only house work and not having any monetary support therefore men are dominant upon the women and this is the best cause and reason why women suffer many types of domestic violence by men.

Women are held to be as the weaker sex and hence thought to be dependent in the men’s society, both indoors as well as outdoors. women suffered domestic violence from their family as well as their communities. women suffered physical as well as sexual abuses from the members of the family and community. The native women could not live their life alone that is
why they suffer this domestic violence. women are half population in the world but society infringes their rights. The main causes of this evil are poverty, dowry and imbalance of male female. the main form of domestic violence is economic and husbands who have no work resort to domestic violence. The simple reason behind this is that when a husband does not do any work then there are quarrels between the couples which lead to violence and the target is women who suffer physically and therefore they suffered heart attack, heart diseases, diabetes etc.

There are many instances of cases where the women have come before the police but the police have not registered their cases and if registered such cases have not been taken seriously and no action or investigation done by police. In many cases the Accused are not convicted and some cases were withdrawn by the women due to torture by the family members and caste person etc. As per NFHS the rate of violence continues and increases day by day and year by year and most of the women are unaware about domestic violence. Therefore the Health and other government sector have to give immediate help. The clinician is very helpful at the time of domestic violence between husband and wife. In domestic disputes clinician took the counseling of both husband and women separately and gives solution to stop disputes. The clinicians are very helpful to stop or to prevent the domestic violence in India.

The old writer said that "A woman is the half body of the husband and when both joins then man became complete man." Manu says that "men should respect and give honored to women." Women must be honored by father, mother, husband, brother brother-in-law etc." Manu says that" the gods are there where the women are respected." The Manu says that" the husband got his wife from the god and he must be care to wife when she is faithful to him till death." But in today’s world women position is very worst.

India is the men dominant country and the women have the second position in Indian society. In India there are great gender discrimination and this will start from pre-birth of child selection and Infanticide. The means of gender discrimination are women not got proper
food, lack of medical facilities, low education, child marriage, lot of home work, children care, lack of awareness, and got many physical, mental and economical abuse by the family and husband, and also got dowry harassment and sometimes women do suicide from this harassment. As per Manu the son was the family member's first choice and therefore the neglected the health of the daughter-in-law. If the female was born they were killed to female child and if female child was born the she will be not allowed to live with her basic fundamental rights. The wife was also not allowed to live without her husband and if husband died then the wife also burn with her husband and therefore the ‘sati pratha’ was practiced in that period. In that period if women has given birth to male child then her position will be improve in family and states.

As per Manu wise man are not to sit with his wife, mother or her sister. In this period the development of the women was prohibited. In that period as per Manu (Manu X 4) women's work are not regarded as better and sufficient.

The women is always depends upon her husband and she sacrifice her whole life for her husband. The women in maidenhood depend upon her father, her husband in young age and her son in old age, means in whole life she is dependent upon men gender. And therefore the population of women is decreasing since last many years. The sex selection problem is the great problem in India.

Women suffer violence in 4 walls of house in middle class family, because Women are weaker in sex gender and women are always depend on men’s society both in indoor and outdoor. Domestic violence is the very common in India. The main reason behind this that the women are mentally and physically not strong as men, though the women in modern society proved that they are the best in all fields of life and they are not the inferior than men in any field. The domestic violence against the women is more than the men and there are many reasons behind this and the all are diverting in whole India. According to the united nation report more than seventy percentage married women are suffer from the domestic violence in India and
the age of women are between fifteen to forty nine years of ages are suffer from rape, assault, beating ,forced sex, etc. especially in the northern India. there are indoor and outdoor domestic violence/s against women all over the India.

Violence against women is the worldwide problems irrespective of social, cultural and economic factors. women’s domestic violence is the main problem in India as well as in the world in general. The causes of domestic violence cross the barriers and boundaries of religion, caste, creed, tradition, etc. and are known to affect women's health, irrespective of the place of offence. Domestic violence gives health problems to married women and the women or victims tell only lies at the time of treatment before the physician and/or don’t reveal the real cause of injury to physician or before the police and the Medical practitioners are the ones, who give first aid treatments to the victims, who are injured due to domestic violence and save their lives. This affects the productivity of the new generation and also affects the child psychological and child health problems.

The film Sujata depicts the story of a Schedule caste girl married in high caste house and her faces was tortured by her family members. Through many films he tried to explain the domestic violence against women . socially, economically. Psychologically and culturally male are preferred than female. The male is dominants over female. Elder women of the family have the strong position than newly wedded daughter-in-laws. The daughter-in-laws have no right and also she is dependent upon the male member/husband. The daughter-in-law also has many responsibilities of her children, husband and other family members and therefore she is forced to meekly bear this type of domestic violence. These violence/s starts from birth until death. These type of violence’s are undergone by women all over the world.

Many factors are responsible for that like low income, alcohol, and find that many health care training centres requires stopping or prevents this type of domestic violence. In today’s Indian legislation have introduced domestic violence act, which protects the rights of women against
her husband and their family members. Many changes have been done by the English Government regarding women and the position of women increases during English period in education etc. After making of constitution of India or can say after independence of India, The government of India have given many rights to women through articles and directive principles of states.

Domestic violence infringed the rights of women, it is infringed the human rights and it will affect the health and wealth of the Indian women. The position of female gender in India is depend upon the various factors. And different sub-factor like health, literacy, states, district cities, etc. In India the decision power is in the hands of male gender and the female gender are only stand behind them. Domestic violence has happened when husband’s education was low, when he suffered economic problems, poverty, alcohol consumption etc. that in India women are facing many problems like female foeticide, denied inheritance rights in her father’s property; girls are sold for prostitution by their own family members, etc. They are not allowed to speak anything for their protection and also are not allowed to give their opinions in the family.

They are living in that house without their human rights. The domestic violence against women will affect the women’s health, education, development legal rights, and all rights of women.

There are many reasons behind domestic violence against the women, illiteracy and unemployment being the main reasons. That the status of Indian women will change from bottom to top after independence, they also thought that Indian women will help for independence and for freedom movement and therefore after independence our prime minister Jawaharlal Nehru gave equal status to women in our constitution but till today there has been no value of equality status of women India.

In old age period women have top most position but after time to time many changes have come regarding the women’s position in society. Many changes have been done by the British Government regarding
women’s status and therefore the position of women was better during English period in education, social status etc..

Indian women are very inferior from the women of other countries. In India women have all Constitutional rights and directives principles but religion, caste system etc. are the main reasons to disturb the women from development. because of domestic violence drugs consummation crimes are increasing in India. These sorts of crimes are very much prevalent all over the world. There is no prohibition of consummation of drugs in some developed countries and this helps to do such crimes. There are many drugs which are easily available in the market and the ordinary person can easily misuse it for crimes. Therefore drugs consumption is required to prevent by the help of forensic analysis.

The less income earning family and illiterate family members are more affected from the domestic violence. In many cases suicides were committed due to domestic violence and therefore these types of family require the counseling and other means to prevent the domestic violence.

There are many debates which have been going around in India regarding the domestic violence against the women but still these problems continuously are on the increase in India. There are many educational programmes made regarding domestic violence but there is a lack of response to them.

The women are suffered the domestic violence from their family and communities violence. The women who have residing at rural areas could not live their life alone that is why they suffer domestic violence. Many women are suffering rape through their family members. And if the husband found that his wife was raped by his family member then the husband were mostly leave his wife without any fault of his wife, this history are coming from many years. wife is the half body of the husband i.e. Ardhangini But this fact is not implement in india actually or in real life. In India In Ramcharitra manas Tulsidas states that Drums, Uncivilised, illiterates, lower castes, animal and
women are all deserved to be beaten. The domestic Violence against the women are continuous coming since old India to new India. There are many women who because of threat or fear of death do not file or lodge police complaints against the husband and their family.

In India there is great gender discrimination and this will start from pre-birth of child selection and Infanticide. In India the status of women is low compared to status of men, i.e., not equal to men. The means of gender discrimination are women not got proper food, lack of medical facilities, low education, child marriage, lot of home work, children care, lack of awareness, and got many physical, mental and economical abuse by the family and husband, and also got dowry harassment and sometimes women do suicide from this harassment.

Domestic violence a major problem and the problem of public health and also the human rights issue. The National Commission for Women recently completed its 20 years of successful women empowerment and launched the ‘Mahilla Adhikar Abhiyaan’ in Rajasthan 2011 for women empowerment. But still the result is same.

Domestic Violence defined "A conduct, omission, commission and act of the husband and his family gives injury, harms, dangerous to life, health safety, by way of physical, mental etc. and include gives harassment, physical abuse, with intention to coerce her or any valuable goods or property, or threatened given to person in relation to above conduct or otherwise injuries or cause to harm, whether mental or physical, to the concerned person." 59

When one person /individual forcibly controls over the other female person in a relation, then it is called a domestic violence. Violence is a character of the human being and is mostly perpetrated by men against women.

If women thrown out of house then she will apply for the protective order application even after the counseling, legal help, police case and many more orders from the competent authorities.
The main Factors of Domestic Violence are social, cultural, etc. and it is enquired in modern Society to take necessary steps to prevent the domestic violence and develop the health differentiation between the family members. This violence is always used by men against women because the men want to dominate on the women. The women of age group between 14 to 50 years suffered from violence.

This has happened because our Indian culture has allowed this domestic violence but if we adopt the American culture then it will be surely decrease in India. It is clear cut gender injustice because the husband has full control over his wife in India.

The children are also affected by domestic violence. The children suffer many problems through domestic violence such as depression; problem in study etc., a child of a family affected by domestic violence suffers a lot of psychological effects and sometimes commits suicide. In India there are many laws and acts regarding violence but still there are no differentiations in violence and no signs of decrease in the violence against the women. The child abuse in India are increasing and it is very dangerous to children but our society is not concentrating on it. This abuse happens in all the fields of religion, any class of people. There are many types of child abuse like oral and psychological through intercourse. It is the greatest problems of whole world.

This type of child violence or abuse is slowly increasing in the world and therefore it should be prevented through analyses by survey. The school going children are very much affected by domestic violence by three ways. First they get affected from their house, then second from their personal life and third from their school and college life or educational life. There are many school children who are beaten by their family members. There are many cases where the family members killed their parents for the sake of property.

These types of violence/s are done inside the house as well as outside the house, meaning it can happen with husband or his family or his
partner. This violence/s against women obstructs the development of women and also the development of the country. The domestic violence against women also affects the other family members as well as all the surrounding members.

All laws, acts in India permits the women to take her decision on own her view. In India religion also gives rights to women as per their personal laws. The constitution of India also gives freedom but still she suffer domestic violence.

In domestic Violence and other violence/s the women are assaulted and abused by her husband, partner and other family members. Therefore the women are stressed from this and commit suicide. There is no strict action/s to stop or prevent this type of abuse/s. The suicide is the last step to be taken by women to escape this type of violence.

Domestic violence by their family members, the women are required to go to medical practitioner, police. The medical practitioner and police will definitely help that women and giving moral as well as other types of support to the victim women. that if both the wife and husband are literate then the domestic violence is less because they both understand each other’s problems. This domestic violence also indirectly affects the health and wealth of the women of India.

In rural areas the women suffer from cruelty from their family members but to keep mum because they do not know their rights and law. And if the victim women go to police station the police not do anything against the family member and her husband. The police in the rural areas harass the women who are already harassed from the members of the family. women suffer domestic violence by her husband and his family members and by different types like she was injured through weapons, injured by hands, by physical beating from her husband. cases are not reported under these domestic violence and he explained the reason behind this like many women are fear because of physical injury, fear of death.
In many cases women are not want to register the case in domestic violence because she o not want that their parents will harassed by the society members as well as husband’s family. In many cases the women are so harassed that she is forced to withdraw her case. The many women in the world suffer the domestic violence problem but they don’t say anything about this violence to anybody.

Domestic violence in India is a very old problem because women are the weaker sex in India . This violence is forcibly accepted by the women and this has happened due to the tradition of India. The wives are victimized by the husband and many types of physical and psychological abuses are inflicted on the wives. There are very less cases of outsiders abusing women on a street. The women are married to men with love and honour but afterwards this turns to violence.

In India, the son are preferred than daughter and this is the tradition of India. This has happened because of lack of education, economic problems, poverty, dowry and society etc.

Examples Life cycle Violence against the Women

1. Before Birth:- The violence against the women are starts from the pre-birth which includes the Sex-Selective abortion And effect of the battery at the time of pregnancy will seen at the time of birth outcome.

2. Infancy: - In infancy includes Female infanticide, Physical, Sexual and Psychological abuse.

3. Girl hood: - There is much domestic violence at the time of girl hood. The early marriage / child marriage are still going in India. In this age the female genital mutilation are going on and also suffer much physical, sexual and psychological abuse. Incest is also the one example of child hood violence .In India there are many pornography and child prostitution have done in India on women / girl.
4. Adolescence and Adulthood :- There are many domestic violence against the women/girl in India which includes throwing acid, rape by date, and dating sex for economic purpose (e.g. School going girls do sex for school fees i.e. ;; Sugar daddies”), Incest, Sexual Abuse in the work place by family members, Rape caused by the family members, Sexual Harassment by the family member/husband, Forced prostitution and pornography are also done by husband and his family members of her family members, Partner homicide, Psychological abuse, The women are abused on her disabilities. And the husband are forcibly pregnant the wife.

5. Elderly:- In many cases we shows that widows were forced for suicide for small economic reason and also there are many Sexual, Physical, and Psychological abuse suffer by women in their house.

Many changes have been done throughout the ancient period to modern period regarding status of women. In modern time modern got the most important post in India like PM of India, loksabha speaker and opposition leader. In medieval period sati pratha, child marriage etc. were developed and also developed Bhakti movement. In the British period many reformatory action has been done by the reformatory people like prathna samaj, arya samaj etc.

The women of Islam in previously have no right to give divorce to her husband. The Islamic women suffer many cruelties from their husband and have no right to oppose these cruelties. But in modern period wife also have a right to divorce her husband on many grounds. Domestic Violence in India is very old problem because the women are weaker Sex in India. domestic violence infringed the rights of women, it is infringed the human rights and it will affect the health and wealth of the Indian women. the position of female gender in India is depend upon the various factors. And different sub-factor like health, literacy, states, district cities, etc. In India the decision
power is in the hands of male gender and the female gender are only stand behind them.

The women are suffered the domestic violence from their family and communities violence. The women who have residing at rural areas could not live their life alone that is why they suffer domestic violence. Many women are suffering rape through their family members. And if the husband found that his wife was raped by his family member then the husband were mostly leave his wife without any fault of his wife, this history are coming from many years. wife is the half body of the husband i.e. Ardhangini But this fact is not implement in india actually or in real life. In olden history the sati pratha was also allowed and that time many violence in force against the women. The domestic Violence against the women are continuous coming since old India to new India.

In modern law there are many domestic violence like early marriage, community violence, sexual violence, honour killings, foeticide, incest female, dowry death, abuse elderly women and widowhood cruelty, bride burning, wife battering, eve –teasing, harassment at work place, inequalities, discrimination between sex, sati and many types of economic and sociology violence.

There are many types of Abuse which are as follows:

- **Physical Abuse / Violence :-** Slapping, hitting, Beating, punching, pushing, Biting, Kicking
- **Sexual Abuse :-** Any act of the sexual nature, Sexual intercourse by forced, Any pictures, material or pornography forcibly shown, Unnatural sex, Sex with child.
- **Emotional and Verbal Abuse :-** Insult, Calling By bad name, Accusation on conduct or character etc., Insulting for girl child born, Harassment for dowry etc., Not sent to college, school and any institution, Stop to join the job, Force to resign the work, Stop to go outside the house, Stop to meet anybody in regular
course of events, Forcibly marriage, Not allowed to marry the person of choices, Any other emotional and verbal abuse.

- Economic Abuse: Not given money for maintenance, Not given medicines, cloths, food etc., Stop to running employment, To disturb to carry the employment or, Took the wages or salary from the income, Not allowed for employment, Not allowed to stay in house, Not allowed to access or use any part of home, Not allowed to use articles, cloths, or things which usually use in house, Not given rent if she reside on rented house etc.

The United Nation Organization and Human Rights Council etc. have given pressure to many counties regarding domestic violence against women and as a result many countries have introduced many laws / acts to stop domestic violence against women and safeguard of women, But still the women are the weaker section of our society.

There are many evil traditions and social which will affect the life of women, which are coming from the history, culture and ancient law of the Indian society. There are endless list of the crimes against the women are increases day to day. Many of the hard crimes are still in the society against the women irrespective of social, economic and tradition such as:

The following are the few examples of evil/crimes, where the women are victims:

- No freedom
- Foeticide
- incent
- Female infanticide
- Dowry
- Dowry death
- Abuse elderly women and widowhood
- cruelty
- bride burning and sati
- wife battering
- abduction
- Eve-teasing
- sati
- Early marriage
- property rights
- Physical Violence
- Emotional abuse / Psychological abuse :
- Sexual Assualt
- Forceful Sex
- Foetus killing
- Economical exploitation
- Honour killing
- education

No Freedom

The women of Islam previously had no right to give divorce her husband. The Islamic women suffered many cruelties from their husbands and had no right to oppose these cruelties. In that period only men had a right to divorce his women. But in modern period wife also has a right to divorce her husband on many grounds. Nowadays Islam also has allowed women to divorce her husband.

The women is always depends upon her husband and she sacrifice her whole life for her husband. The women in maidenhood depend upon her father, young age her husband and old age she is depend on her son /sons, means in whole life she is dependent upon men gender. Indian tradition and culture are very old and famous in the world and in Ancient period women have many rights but they could not protects their rights.  

Property Rights
S.R.BATRA V/S TARUNA, 61 In this case court held that daughter-in-laws not have property rights on her in-laws property. In this court held that daughter-in-laws have not shared household only because her husband reside there with her.

Razzak Khan V/s Shahnaz Khan, 62 Divorced wife would come within the category of ‘agrieved person’. She has a right to live in the husband’s parent house or shareholder house.

**Gender Discrimination :-**

The gender discrimination problem exist in all over world and the lakhs of women are beaten, raped, psychological abuse etc. by their family members because of domestic violence women infringed their Fundamental and human rights. The view of the Indian people is that the Indian women are also ‘Pativrata Stree’ and the woman must think that her husband is her whole world. Indian women are very inferior from the other countries women. In India women have all Constitutional Rights and Directives principle but because of religion caste system etc. is the main reason to disturb the women from development.

Onkar lal bajaj V/S union of India, 63 every has a equal rights before law, guaranteed by constitution. There are no precedent requires for this because proposition is already settled.

Indra sawhney V/ S union of India, 64, The Constitution of India has declared the equal rights to both men as well as women by article 14 and 16.

Pradeep Jain (Dr.) V/S Union of India, 65, Aricle 14 and 16 of the Indian constitution gave the same rights to both women and men.

AIR India cabin crew Association V/s Yeshwinee Merchant, 66, court held that on the ground of sex nobody will be given treatment favour.

**Marital rape:**
This sexual violence is very risky from husband and family member than from other people. This issue is not a small issue but it is chronic many women suffer rape from their family members and if a husband finds out that his wife had been raped by his family members then the husband divorces her without any fault of her. Marital rape means violating the dignity and respect of the women in their matrimonial homes and the women have suffer without any protest. There are inadequate laws for this type of rape.

Women can protect her from rape from outsiders but it will be difficult when the rapist is her husband. Therefore the victims of marital rape must be protected through enactment of exhaustive laws.

Puttapa Honnappa Talavar V/S deputy commissioner, Dharwad, In this case court held that Indian constitution gave right to personel liberty and life guaranteed under article 21 and no person shall be deprived from this except due process of law.

Githa Hariharan (M.S.) V/s Reserve bank of India, Universe declared the Human rights and article 21 states that every person have the freedom and all rights without distinction of gender. The husband has rights to sex with his wife but with her consent.

A.K.Gopalan V/S state of madras V/S State of madras, In this case court held that constitutional 21 articles have given rights to personal liberty and life

Cruelty and Battery:-

In many cases women suffers cruelty and battery from her husband and her family and not speak anything regarding cruelty and battery BUT the people thought that she is enjoying family life. Women do not want to explain this before anybody, any court but some women got dare and refer divorce rather to spoke this thing before anybody. In one case Bombay court held that depriving the woman from sex is the cruelty against the woman. Women always have to face cruelty from their husband and his family members daily. cruelty of men against women also added in Indian Penal Code and this cruelty also affects the health of the general public and hence has to be
prevented. If the husband is not able to satisfy the wife during sexual intercourse then the wife naturally gets depressed and frustrated.

P.V. Kapoor V/s union Of India, 70, In this case delhi high court says that article 21 is life with dignity and not only right to life only. But it is also truths that how women are live with dignity when the women are mentally and physically torture by her husband and family members.

State of goa v/s Ramakrishna prabhu 71, In this case court held that Allegations in dying declaration cannot be said to drive a person to commit suicide. In this case evidence of all witnesses seen to be extensive exaggeration riddled with contradictions and omission. Prosecution proved that accused did not call deceased on their first wedding anniversary, can hardly be said to be cause which would drive to suicide except this nothing on record to indicate that any of respondent did directly or indirectly any act of incitement to commission of suicide. mere fact that deceased ill treated by respondent, when she was staying in her matrimonial house, not sufficient either to attract the definition of cruelty as parsec. 498 A of IPC or to prove that respondent abated commission of suicide. and also proved that marital life of deceased not happy which may led her to commit suicide, but respondent cannot be held to be responsible for that and therefore acquittal would be proper.

**Sexual Assault/Violence :-**

Domestic violence is regularised in India. It includes the forcibly or unwanted kissing, touching, fondling etc. It also includes the marital rape. This violence is most common amongst the people who have extra marital affairs this assault resulted to unwanted pregnancy. This sexual violence is very risky from husband and family member than from other people.

In the case of Sexual abuse the victims are always go to depression and it is affected her future life where she hated the sex and she is mentally and bodily hated herself in her marital life. And many of the cases show that the result of this is suicide etc.
The Percentage of husband abusing their wives are 40% in Northern Indian Districts and 26-36% men abuse their wives for Non-fulfillment of sex. Sexual violence/s happens in families, like by breaking the trust of the other partner, even happens on a teen age girl by her family members even though the girl is not aware of sex.

In India the female child were sexually abuses by their parents and other family members. In addition the mentally disturbed and physically handicapped female children are abused by family members. They are suffering improper health care, beaten and harassed etc. and emotionally abused by their parents and in some cases their body parts have sold because of money in poor families in India. The old women are also got domestic violence from their children at home.

Violence on Children and Elder parents:-

This physical and psychological violence affects women as well as children hence it is required that domestic violence is thrown out from the society. Domestic violence affected child such as depression, problem in study, lot off psychological effect and hence sometimes child do suicide.

Sexual Harassment:-

In India a per NCRB there are 50% of the cases are registered only on Sexual harassment and molestation at home or at work place. The most of the people are thinking that this sexual harassment is gifted by the western culture. The Supreme Court gives some guidelines on work place sexual harassment. Women faces fear, coercion, threats, etc and because of the fear of losing job women’s don’t complaint against the sexual harassment. the women suffer very much domestic violence at their work place ( construction of building etc.) by their family members.

The sexual harassment is not a minor crime and it is very large in size but it is not registered. The sexual harassment are in same level or of different level. This offence is done by the opposite gender because
of gender power. This indicates the gender bias in the working place. There are many cases where the house women suffer the sexual harassment by their family members.

Nilabati Behera V/S State of Orissa, In this case court held that compensation rights are given by torts by way of remedy and also allowed article 32 of Indian constitution remedy.

Vishaka V/s state of rajasthan, In this case SC Defined Sexual Harassment includes such as:

a) For sexual favour request and demand
b) A Physically advances and contact,
c) Pornography showing
d) Colored remarks for sex
e) Any unwelcome Non-verbal verbal, and physical sexual conduct.

Eve –Teasing:-

In India the eve teasing is the best example of domestic violence which is suffered by women at home and at work place.

Physical Violence/abuse:-

It is the visible types of domestic violence against the women. It includes pushing, slapping, kicking, biting, hitting, throwing things, strangling, using weapon or threatening with weapon. Physical Violence against the women is more obvious than psychological violence in India.

Emotional / Psychological Abuse:-

This is also another form of domestic violence in India it will infringed the fundamental rights of the women, it will affect physically and mentally to the women. This psychological and emotional abuse includes harassment, threats, verbal abuse, name calling, and degrade the women by
the family members. Many times because of this violence women gets suicide attempt in India.

**Foetus killing:**

In old India foetus killing is a sin. And now the state has given punishment to any person who had killed the foetus in the mother’s womb and also state enactment of many laws for restriction on termination of pregnancy and by this way state protects the right of unborn child.74

The female foeticide which means to kill the foetus by abortion because it’s a female child. This is a very big problem faced by the Indian society because the Indian society wants male child and not the female child. Domestic violence against women at the time of pregnancy is very common in India. In northern Indian cities the demographic features show that this is very dangerous for women. Child foeticide are much related to child sex ratio and imbalance of gender. In Asian countries, sons are preferred than daughters because of economic, social, religious for family name, old age security, inheritance, salvation, etc. Therefore the sex ratio is imbalanced because family wants male child and the female child birth decreases but the crimes against women/ female increases. This has happened since last many years in India since abortion is legalized and therefore the people use this low cost method for female foeticide.

**Infanticide:**

Abortion included many question like morality, infanticide, Suicide, ethics, religious beliefs etc. There are many millions of abortion or infanticide happened in the year and out of 50% abortion are illegal because it destroyed the half community i.e. women from the world. It creates many repeated pregnancies with serious health problems.75

Men have physically abused their wives by kicking on the stomach when she is pregnant which has led to miscarriage because of domestic violence.
Female infanticide and abortion by Sex-selective:-

women are discriminated by men’s society though female gives birth to them in this world. In our country the ratio of sex of women are decreases because of abortion of sex-selective and infanticide of female. The girls are dying before reached the adulthood in many tribal societies. The tribal society’s family member’s income is very poor, low education, poor health, and therefore the female infanticide crimes are increases in India than other caste.

In india, the son are preferred than daughter and this is the tradition of India. This has happened because of lack of education, economic problems, poverty, dowry and society etc. The authors analyzed this through data collection of boys and girls and got the result that difference in ratio of sex exists in our society. women at the time of pregnancy and the pregnant women got many health problems by domestic violence.

The main problem is that the family members want a male child and if the women begets a female child then the family members gives more torture to the victims and gives many health problems during the pregnancy.

The family members wants a male issue and if a female child is born then the family members burn that female child if they find that female child is in the womb then they prefer abortion of that child forcibly. But women of that area do not know that the forceful abortion is a crime and it is punishable under the Indian Penal Code.

In India, a son is the preferred than a daughter. The sex ratio since some years of the north Indian states is imbalanced because of female baby feticide. The reason behind these are dowry, family name, son is a bread winner,

The ultra sound scanning is the main cause of this crime in rural areas. By ultra sound scanning people know the sex of unborn child in womb and then the people done abortion, therefore female infanticide increases. In
India continuously demanding the dowry is the other reason of female infanticide and Sex-Selective abortion.

This female infanticide mostly happened in the village area i.e. rural areas and government not able to stop it.

R. V/S Tait 76

In this case court held that every child who in a womb are equally treated as person in existence in world.

Smt. Satya V/S Shri Ram , 77 Supreme Court held in this case that unborn child also have a right to birth and if women without her husband doing abortion then it's amount to cruelty and if men forcibly pressure to his wife for abortion then it also amounts to cruelty.

Economical Exploitation:-

There is many newspaper national or international, many types of violence against the women has been mentioned. Few of them published that the politics are the responsible for violence against women.

Madhu Kishwar V/S State of Bihar , 78 the constitutional 32 article of India recognized the right of a child to protect from the economic exploitation and education, and work on hazardous companies and also the act which were helpful to child's social, physical, mental development.

Child Marriage / Marriage:-

The child marriage is the main evil of India since last many centuries. It is very oldest and very harmful custom / tradition in India. many social workers played a very important role on stopping it but still it is not under control though many acts and laws has been enactment in India. It is therefore required that people help to put a stop to it with the help of government machinery.
Early marriages affected the adolescent fertility and complicated pregnancy. The researcher shows that as per UNICEF (1994) report the morality rate of age between 14-19 years are more than the age of 19 years.

The child marriage and early marriage was affected the pregnancy and the health of the mother and born child. Because of early marriage wife affected from HIV / AIDS and other healthy problem. Therefore, the women are stress from this and want to suicide herself.

The child marriage and early marriage affected the pregnancy and the health of the mother and born child because of early marriage wife affected from HIV / AIDS and other healthy problem. Many health departments give their report to government regarding the early marriages and effects of marriage and therefore to prevent this we require more studies.

The women belong to another family married with other family men. There are many types of adjustment have been done by the women in her matrimonial house but at the last she did not get rights, safety, value etc.

There are implementation problems of the laws on child marriage in India and therefore many child marriages are still being done in rural areas and backward areas.

Leela Gupta V/S Lakshmi Narain, 79, In this case Supreme Court held that if marriage was done between the minimum age and minor marriage then the marriage is not void but the person who had involved in marriage was punished by law.

**Illiteracy / Education:-**

In India most of the girl child was not educated because the parents of the girl gives more important to boys / son education. The family member’s view’s that girl after education go to her in laws house and the son will give support to us. In India, in rural areas government gives many facilities for the girl’s education but still parents not sent the girl for education.
G. Jain V/S Union of India, 80, the article 28 of the constitution of India the right of the children education to go the development ways and got equal opportunities. This article encourages the primary education compulsory and encourages the secondary education.

![Figure no. 15. The Women working hard labour work.](image)

In India women are not more educated therefore they could not get any standard job and they compromise the very hard physical and unwanted job. There are many women who have not any benefit over work like No maternity benefit, No special leave at the time of pregnant. .

**Unequal Rights in Marriage:-**

Many women are not allowed to go for work outside the home, and therefore she will be depending upon on other male member of family. She always suffers lack of cash, bank accounts, and got low level of standard of living than men. Women even also not offered good food or proper food with her small Childs.

Ranisharan Autyanuprasi V/s Union of India, 81. marriage personal liberty, procreation of child. Constitution has given right to life as your wish and doing marriage as per wish and also child born as per wish. In our society privacy rights is recognized.
Rape:-

Rape is the main types of domestic violence. It is main problem in India. The husband have sexual intercourse with his minor wife is considered to be a rape against the wife by her husband. There are many cases seen in India of these types of rape.

Molestation:-

In many cases girl who is the victim of molested feeling that her bad luck for brought this distress. And because of coercion and whithout support she has do not tell anything to anybody. And therefore the boys and men always do such things always.

The few family of victims taken steps against the offenders but they do not go further because of fear of marriage of victim and family respects and girl suffers this low self-esteem. This affected her future marriage life also, there she suffer more abuse like she is in a hell.

Intentional Insult:-

Venkata Raman, in this case court held that insult must be having intention and secondly it break the public peace, commit any illegal acts and correct words of insult must be proved.

Dowry deaths:-

In India giving dowry at marriage time is the Indian society practice. After marriage women were tortured to do things as per the wishes of her family member and husband.

There are many cases of dowry in India has been registered or unregistered .In India many dowry related cases are going on like suicide, murder, domestic violence etc. In many reports shows that many case has been done in “Kitchen fire” or “Bride burning” in the name of dowry. The dowry death cases, which fall under u/s of IPC, Any un-natural death occurring within the seven years of the women’s marriage, not cause of natural death, is caused because of domestic violence and also because of
dowry many problems faced by women like physical and psychological and economical etc.

This evil of dowry deaths was done within the age of 19 to 24 years and after marriage within 3 years but most of done between one and two years. Women hanging themselves at home are the most popular type was used in dowry deaths.

There are many factors responsible for dowry death like, education, combined/joint family, marriage type, no work of husband, women depend upon husband or in-laws for offender/ culprits, increases education for women given employed to women so women takes equal status and change the social and economic factors of women.

In Indian marriage, the exchange of bride and other items are a very old trend. The agreement between the both families to exchange bride and assets means assets goes to bridegroom’s family with bride. When the bridegroom’s family is not satisfied with the assets given by bride’s family then they torture the bride which sometimes results in the death of bride.

The Indian Evidence Act presumes that this type of death is falls u/s of IPC and the guilty is subject to punishment under this Act. The Dowry exploited the nation and therefore it is required to prevent it and also stop this type of dowry death, suicide etc. and give report to police against culprits.

**Honour Killing:-**

The National Commission for Women recently completed its 20 years of successful women empowerment and launched the ‘Mahilla Adhikar Abhiyaan’ in Rajasthan 2011 for women empowerment. women mostly in under developed countries, honor killing has infringed the human rights of women by following social, cultural and tradition values of the family. It has become the concerns of the international agencies. The Khap Panchayat has abused the many rights of human beings. Now, in India development work is increasing but this type of honor killing will definitely stop the flying bird of development.
The study on honor killing is very useful to India as well to world and if we trace out this violence then we are required to know what it is? There are many effects from this violence like physical and psychological. There are many women who suffer this type of violence but keep quite because of much reason like family status, fear of remove from job, etc. Domestic violence’s infringe upon many articles of the Constitution of India as well sections of the Indian Penal Code which are regarding this sexual harassment.

The Khap Panchayat sometimes throws out the whole family of such boys and girls from the society and/or orders that both be killed in the name of honor killing. This honour killing is going on since many years and strongly rooted in society. Honor killing is especially against the women and dominated by the men and therefore it must be prevented or stopped urgently. sometimes even such boy/s and girl/s were killed by their own parents and panchayat persons in the name of honour killing.

In rural area still the old religious system is going on and for that the Khap Panchayat are based. The Khap Panchayat is doing their work in the name of custom and religion. Though the future of India is very bright, the Khap Panchayat system will be a big hurdle in between India and its success.

There is a very big difference between men and girl in all fields. In Khap Panchayat if women get married to other culture / caste person then girl could be killed. it opine that a way should be searched to stop this Khap Panchayat in a developing country like India.

Shamsher Alam 2 Sheru V/S State of Uttar pradesh, court held that when both the men and women are major they both have a right to choose each other for marriage and love to each other. They all have right to take their own independent decision regarding marriage. The both the party have a right to live with other. The constitution of India article 19 gives this freedom to all people. Article 19 and article 21 gives a right to live with dignity and honor. If a young couple chooses their life partners from other religion / caste, then the
society people are against the couple and kill both in the name of Honour killing.

The government agencies, NGO's, community members have to control this type or trends and protect the women from this type of honour killings.

Honor Killings are a worldwide problem. The honour killing is rapidly increasing worldwide and because of that the status of women are going down step by step.

Sati:-

The word,' Sati ' Means a “ True or Virtuous Woman’. Sati is called the goddess who gives bliss, prosperity and emancipation.Sati custom most off done in the lower class /race of Indian family. British government tried to prevent this custom in India. In 1987 the Room kanwar 18 years old in rajsthan done sati pratha and the debate blast that who had either participated in or supported kanwar’s sati should be prosecuted or not. This has been seen in the Indian history in 1500s Century. This Sati was not heard in some part of India, this custom mostly happened in the west Asia compared to south Asia and prevalent in the lower class /race of Indian family. The British government tried to prevent this custom in India.

This sati was not heard in some part of India, this custom was mostly happened in the west Asia. Sati word used in Anglophone i.e. ’ Suttee” and this word used in the 18th and 19th century period. Indian history shows that widows underwent self-immolation on the funeral pyres of their husband.

Sati means, the wife burn with the dead body of her husband. This is the very old custom / Tradition in Indian Society. Instead of giving sympathy , support, monetary help to the woman, the people forced her for sati tradition And the family members also feels proud upon sati of her daughter-in-law and also family member feels proud and are respected in society.
Palanappa Chettiar V/S alagan Chetti, in this case court held that customs are not allowed the second marriage of husband without the permission of the first wife.

Raghuveer Kumar V/S Shanmughavadiva, in this case court held that the custom of the udamalapeta taluka was not allowed to second marriage of the husband while the first wife is alive.

Dhyaneswar Shivdas Lomte V/S State Of Maharastra, In this case court held that if husband always beaten, abuse or telling to his wife that he is not like her it amounts to cruelty and gives great injury to her wife as per section 498 (a) IPC.

Sejal Dharmesh Ved V/S State of Maharastra, In this case court held that when wife returned to India and not staying with husband since last one year is not liable that she is in domestic violence and she can't file any application under domestic Violence act with regard to that relationship after such time.

Smitha Mohan Chandra Menon V/S SunilKumar Haimavathyamma, In this case court held That wife have a rights of maintenance even if her parents have the much properties but still husband are liable to give maintenance to his wife u/s 125 CRPC only wife’s income is considered.

Bhagwan Trimbak Ahirrao V/S State Of Maharastra, in this case wife was burnt and got injury in matrimonial house resulted died. The defence of the accused that at the period of death the husband and his brother were at work place which was very far for matrimonial place and only parents-in-law and another brother-in–law were present in house so husband and one brother-in-law will be released . Court held that all other three shall be liable to be convicted u/s 302 IPC.

The country is on the track of success but without women development there is no way about some steps Therefore it is required to develop the country as well as development of the women and therefore, as per the opinion of Yvonne Ridley to stop these domestic violence women
should required opening their mouth against the domestic violence. To prevent the domestic violence we needed social workers, government machinery, and other helpers of the societies.

There are many cases occurs under domestic violence against the women and came before the police but the police have not registered many of the cases and if they registered the cases under domestic violence against the women then in those case they will not taken seriously action on investigation. The opinion of Funmilola Bosede states that domestic violence must be prevent because the women are also required to development of any country and if the women are suffer this violence then how they will supposed to help for the development of nation.

According to the study many author says that there are limited research work have been done in this domestic violence issue and it is seen most of the Socio-economic families and the domestic violence are of many ways. Because there are no sufficient Knowledge regarding Violence and therefore most of the women suffer violence within the four walls of house and some women thought they have been beat because of her wrongs acts or behaviors. Some women are not speaking anything regarding violence because it may cause more harm to them or they thought it may be ashamed of their situation.

Many powers have been given to women by the constitution of India but still they are not able to use those powers in all fields. The awareness must be given to the women on this domestic violence. There are many problems in India which are suffer by the Indian female. Therefore to gap the imbalance between male and female gender must be stop / prevented with the help of government machinery ,NGO's and other Social services.

Domestic violence is an unproven statement or proposition about a factor or phenomenon disease and because of that our population not developed in healthy thinking and therefore, I want to do the research to find out the magnitude of such evil and give the solution from this problem.
The National Crime Record Bureau states that in 2013 there are many cases recorded against the women which are as follows:

1) Cruelty by husband or his family members; in this NCRB recorded that 116728 cases have been recorded, in which total IPC cases are 4.7% and the rate of crimes is 19.3% and the cases where charge sheet have been filed is 92.4% and the conviction rate is only 17%.

As per the National Crime Record Bureau a total 3,05,000 incidents of crime have committed against the women both cases in civil as well as criminal cases. The crime against the women continuous increases to each year from 2012 it was 2, 43 271,000 cases reported but it increases in 2014 as 3, 05,000 incidents. West Bengal has 7.6% female population in the whole India’s population and it having 13.4% crime against the women. Andhra Pradesh having 7.4% of the India’s total population and having total 12.6% crimes against the women. It means the crimes against the women are continuous increases in India.

As per the NCRB the cruelty by husband and her family members against women reported cases are 1, 16,523 in the year 2013.

As per the NCRB the incest rape are increases year to year i.e. in the year 2012 there was 393 cases and in the year there will be 465 cases, this cases are increased by 49.2%. In Only Maharashtra the 86 cases have recorded in incest rape. The parents and family members involved in rape cases were 35.6% and 432 cases out of 26530 rape cases in Maharashtra.

As per NCRB The dowry death (section 302,304B IPC) have decreased by 4.6% during the 2014 year over the previous year. In current year total cases which was reported is 27.3% in the country out of which 2,233 cases alone in U.P., in Bihar (1276) cases (15.4%). Bihar is the highest rate in crimes i.e.1.5% in comparison to country average.

As per NCRB The cruelty by husband upon her wife IPC 498 cases in the country has increased by 7.7% more than previous year (1, 02,500) cases.
8.3% of theses were reported from west Bengal (20,002) cases followed by Andhra Pradesh 12.7% (13,570) cases and Rajasthan 12.6% (13214). Tripura is the highest crime rate state in India having 28.3% as the comparison with country 19.2%.

As per the NCRB, the insult to the modesty of women by her husband and his family members are increasing year to year.

As per NCRB, no Sati cases were registered under this crime head across the country during the year 2012 and 2013 also.

As per NCRB, more the crime rate in the year 2013 than 2014 year i.e 68.8% cases in the year 2014 as compared to the 2013 (445) cases. In Rajasthan counted with 61 cases for 42% of total cases with the comparison of country crime rate .23%.

IN ORDER TO PROTECT THE INTEREST OF INDIAN WOMEN THE GOVERNMENT OF INDIA HAS PASSED FOLLOWING LAWS/ACTS:

In today’s Indian legislation have introduced domestic violence act, which protects the rights of women against her husband and their family members. Many changes have been done by the English Government regarding women and the position of women increases during English period in education etc... After making of constitution of India or can say after independence of India, The government of India have given many rights to women through articles and directive principles of states.

1. Cinematograph Act, 1952: this act is very helpful to women because this act restricted to exhibition of any pictures or film which makes the pictures against the women’s decency and morality. There are many leading judgements regard this act, which are follows:
Gita Ram and Anr. V/S State of Himachal Pradesh\textsuperscript{91}, in this case, case has been registered by received information and the defence lawyer raise the sec.4 of the Probation of Offenders Act for benefit to accused. But the Fast track court had given conviction to the accused and fine u/s 7 of the Cinematograph Act. Then Accused / applicant gone to high court and kept same order. Applicant then went to S.C. But the same Judgment continuous by SC.

P.N. Films Ltd. V/S Union of India, \textsuperscript{92} Case filed u/s 3 of the act 37 of 1952 the Cinematograph Act, a Board of film would be declared as an uncertified film. This notification is issued u/s 6 (c) of the cinematograph Act Suspending the exhibition of this picture for a month. Amitabh Bachhan Corportaion Ltd. V/S Om Pal Singh Hoon (1996 (37) DRJ 352) Case registered u/s 5-B of The Cinematograph Act 1952 and on reasonable restriction in the interest of Decency and morality. A law was made to impose such reasonable restriction when the cinematograph Act 1952 was passed and Section 5-B contains the identical words ‘decency and morality’ and the pictures was restrict for a month.

R.K. Star Production and etc. V/S Union of India Others, \textsuperscript{93} case was the board refusing to grant Certificate etc. for the pictures and the court has kept same order because the same question of decency and morality of women was arises.

2. **Criminal Procedure Code, 1973:** \textsuperscript{94} The criminal Procedure code are very helpful for women. There are certain changes in criminal Procedure code and Evidence act, Like the process of recording the statements of the victim has been made more victim easy and friendly. Sec 125 Of Crpc. Made for the women. Under this section person are bound to give maintenance to the women i.e. his wife and children. Sec 127 of Crpc. House allowance. In A bail or anticipatory bail application under Cr.pc. The some section may very useful for women and that section considered the bail of women.
3. **Factories Act, 1948:** This act was enactment for the benefits of the health of the workers / employees. This act was enactment after seeing the many problems of the women workers.

4. **Hindu Adoption and Maintenance Act, 1956:** This act was enactment very favorable to women. The Hindu adoption And Maintenance Act, 1956 gives Maintenance to wife by u/s 18. As per u/s 19 of the act gives Maintenance to widowed daughter –in-law. As per u/s 20 of the act gives Maintenance to children and aged parents. As per u/s 22 of the act gives all types of benefit to the dependants of the deceased. As per u/s 28 Of the act gives right to Maintenance of wife when the property transfer of the deceased.

Panditrao Chimaji Kalure V/S Gayabai. In this case held that Maintenance for divorce Woman is provided under the Hindu Marriage Act. She cannot claim Maintenance under Hindu adoption and Maintenance Act.

5. **Hindu Disposition of Property Act 1916:** This act was enactment for the Hindu men and women. This act arranges something for women, to live their life safely.

6. **Hindu Marriage Act,1955:** The main aim of establishment of this act to welfare of the Hindu women regarding marriage, judicial separation, divorce, custody of child, restitution of conjugal rights , Maintenance , Punishment to denied the order under this act, Rights of married women .legitimacy of children etc..

7. **Hindu Marriage Act, 1995:** This act was enactment for favour of women than men because The Hindu Marriage Act, 1995 gives Maintenance pendent lite and expenses of the proceedings to the women by u/s 24.
8. Hindu Minority And Guardianship Act, 1956: This act is very helpful for the protection of Minor girls. As per this act, a person whose age is below 18 years is minor and who have taken care of minor and his/her property is called a guardian of that minor. This act applies to all Hindus means who has belongs to Hindu religion, it includes lingayat, Virashiva and who follow Brahma, Prarthana or Arya Samaj, and also includes Buddhism, Sikhism, and Jainism, Parsi or Jewish etc. unless they are prove that they are not adopt Hindu. Under this act the husband is the guardian of his wife and father is the guardian of her daughter and if illegitimate children, the mother is the guardian of that child. Natural Guardian can take any action for the safety of child and their property but guardian cannot sell, mortgage of immovable property of minor and cannot lease property more than 5 years.

9. Hindu Widow’s Re-marriage Act, 1856: The main aim of the enactment of this act to safe guards the life and rights of the widow. Under this act women have rights to re-marriage as per her choice life partner. After enactment of this act the widow Re-marriage was abolished and any people who have prevent the widow Re-marriage shall be punished under this act.

10. Immoral Traffic (prevention) Act, 1956-PITA: This act enactment only for restricting and abolish the prostitution business in India. The PITA include as follows: A) A prostitute shall be prosecuted if she seduces or solicites and the sex worker who is punished if they are doing prostitution near any public place or notified areas. B) Client also prosecuted if he is guilty of consorting with prostitutes and engaged with sex worker. C) Babus or pimps who are live of the earning of the prostitutes are also punished under this act the landlords and brothel-keepers who had doing the prostitution on brothel is liable under this act. Any person who procures or attempt is also prosecuted under this act. D) The government are doing rescue operation against this prostitution and provide rehabilitation in protective home for prostitutes.
11. Indian Evidence Act, 1872:- This act is very helpful for women because The Indian Evidence Act gives presumption in favor to women by u/s 112. Section 13A of Indian Evidence act presumes the abetment of suicide by married women. Section 113B Of Indian Evidence act presume the dowry death. The section 114 A Presumption as the victim was not given consent for sex in rape cases.

Tukaram vs State of Maharashtra, AND State of Maharashtra vs M. N. Mardikar, In both the cases supreme court held that if a women is prostitute then also nobody will be entitled or allowed to have a sexual intercourse with her without her consent and if it is done in police station then it will be serious crime and the police will be prosecute u/s 376 IPC.

12. Code of Indian Penal, 1860: In IPC many section were involved only for women and favor to women only such as section 498 (A), section 375, section 376, etc. There are many Judgment Regarding Indian Penal Code i.e., State of Karnataka V/S K. Gopal Krishna, In this held that When there are many evidence shows that there was ill- treatment with wife except one letter written by wife to shows that she was not ill-treated. (sec.498 A).

State of Tamil Nadu V/S Ramesh, in this case held that The magistrates have the jurisdiction to entertained the matter where the cruelty took place and not where the wife’s residence address.

Sushil Kumar Sharma V/S Union of India, in this case held that when the charge leveled U/S 498 A, Then it cannot be declared that it was not constitutional.

Banhisikha Roy V/S Somnath Roy, In this case held that when the cruelty has been described very clearly seen in the case then no way to quash the proceedings.
B.T. Jayaram V/S State of Karnataka, In this case held that where the accused and victim again re-married and living together as happy spouses the 6 months imprisonment given by the court u/s 498 (a) will reduce to the already undergone period.

Sakatar Singh V/S State of Haryana, In this Case court held that there are no case if accused husband demanded shares to her wife's father's property.

Reema Aggrawal V/S Anupam, In this case held that when the definition not fulfilled that accused was the husband of victims then it was not exclude from the section 498 (a) & (b) of IPC.

Shamlal V/S State of Haryana, In this case held that when sec. 498 (a) of IPC read with section 113A of Evidence act and if certain humiliation shows against the wife then the presumption of dowry death cannot be considered.

Siraj Mohd. Khan V/S Hafijunnisa, in this case Sc held that if the wife proved that her husband is impotent then it will be considered the mentally and physically cruelty to his wife by her husband. And therefore she will allow living separately with her husband.

Jaswant Kaur V/S Jagat Singh, the above same Judgement was passed in this case also on the ground of impotency of husband.

13. Medical Termination Of Pregnancy, 1971 (act no.34 of 1971):- This act are very helpful for women workers at the time of her pregnancy. It was enactment for the pregnant who are lunatic, mental ill person, unsound mind etc. and also includes those women who were transferred to government hospital.
14. Mental Health Act, 1987: The Government enactment the mental health act 1987, under this act the drug abuser, children who are mental sick gives benefit in government mental hospital..

15. Mines Act, 1952: This act provides safeguards to the women workers regarding health, safety and welfare in coal, Metalliferous and oil mines. This act provides to manage mines and mining works and health and safety in mines and other related works. This act provides the few function of the employer / DGMS (Directorate general of Mines Safety), which are follows: i) Time to time inspection of mines to keep vigil over the status of safety. ii) Granting special permission for specific mining works while work. iii) Investigate the accident, complaints if any. iv) Develop the safety standards and measures to the workers. v) To provides the safety programmes and campaigns, and awareness programmes.

16. National Commission For Women: The NCW is a government body and it was enactment for women. It was establishment under the provision of constitution of India. The aim of NCW is to raise the voice for women welfare regarding politics, dowry, equal rights in job, religion, women exploitation etc.. The NCW raise the voice to prevent dowry, women will not be accused in adultery.

17. National Human Rights Commission Of India: NHRC of India is an government body enactment for protection of human rights. It’s main aim is to promote and protect the human rights. There are many Function of the NHRC i.e.

i) Reactively inquiry about the violation of human rights by government servant
ii) To leave on court the all matters relating to human Rights.
iii) Visit jail etc. where the person is detained for reformation, protection, treatment, and study standard living of life of a human being.

iv) to safe guard the provision of constitution of India relating to rights and recommended the implement.

v) give measure for remedies

vi) Give effective implementation for international instruments and treaties of study

vii) Research will promote and undertake for human rights

viii) To give knowledge for human rights education in all the society’s field and give safeguards and increases awareness seminars, media, publications etc.

ix) Give encouragement to the Institutions and NGOs for their good work for human rights

x) And any other functions required for the human rights protection.

18. Plantations Labour Act, 1951:- This act was enactment to provide the safety of workers, men and women. Under this act workers are entitled to get sufficient pure drinking water. Under this act women and men workers entitled for separate-separate latrine and urinals for every department/plantation. Medical provides to women and men employees and their family members. Under section 13 of this act the employer gives recreational facilities for employees and their families. Under section 14 of these act workers have entitled to have education facilities for their children age group of 6 to 12 years. Under section 15 of this act provide employees’ family members and child housing facility inside the plantation or outside the plantation and under section 16 of this act gives standard housing facilities to worker and their family members. This act provides under section 11 of this act to the canteen to the worker and their family.

19. Protection of Women From Domestic Violence Act, 2005 :- The main aim of this act is to protect the women from her husband and his family, who have given physical abuse, psychological abuse, sexual
abuse, and economical abuse and harass for dowry. By this act women rights regarding right to secure housing, right to residence in shared hold house, Maintenance order, Rent Of a separate house, preventet the person to do domestic violence, entering a workplace or any place frequented by the abused, to communicate any person, provides protection officer/s, NGO’s to assist the women.

S.R.BATRA and another V/S Smt. TARUNA BATRA, in this case court held that exclusive property of the mother-in-law of Taruna Batra is not a shared household and the daughter –in-law is not allowed to reside.

20. **The bidi and Cigar workers (condition of employment) Act, 1966:-**

The bidi and cigar making industry provides regular and seasonal employment to the women workers in rural areas. It provides work in industrial premises as well as residence premises. Under this act government fixed minimum wages to the employee and also gives certain welfare facilities to them. And this act gives fixed working hours, overtime allowances, rest in interval, and, off day in a week, yearly leave but gives wages, sanitation, ventilation, canteen, etc.


The main aim of establishment of the act for poor women of villages or poor / backward areas. This act was establishment to restrict or prevent the bonded labour system or custom, which are still going on some areas. After the act commencement the system of bonded labour was abolished and all the bonded labour was discharged from labour. All Liability of bonded labour’s debt was extinguished. Bonded labour properties are free from mortgage and labour was not evicted from his house, where he was staying. The District Magistrates has the power to entertain all cases regarding bonded labour.

22. **The child Labour Act, 1986 (prohibition and Regulation):-**

The main aim of this act is to prohibit children below the age of 14 years in any hazardous company or establishment because this was the very harmful
for child’s development. The reason for employment is the children’s, lack of school, poverty, lack of good schools.

23. **The Child Marriage Restraint Act, 1929**: The main object of this act to eliminate the special evil which had the potentialities of dangers to the life and health of a female child, early deaths of such minor mothers. It provides that women cannot be punished under this act.

24. **The Civil Procedure Code, 1908**: The Code of Civil Procedure gives Judgment and decree against the men for order passed in favour of wife etc. by u/s 33 and as per Section 34 gives interest on the Maintenance amount or any passed by the court in favour of wife etc.

25. **The Criminal Procedure Code, 1973**: The code of Criminal Procedure gives help to the women victim by issuance of summons, warrant against the men and attachment, release, sale of the accused property and also took the Security bond from the men for keeping peace and good behavior, and this code also given the maintenance order of wives, old parents and children.

26. **The Commission of Sati (Prevention) Act, 1987**: The main object of this act to prevent the widow who have burn with husband with article or relatives. As per the Indian Penal Code any widow who have commit sati or done act any regarding sati is punishable.

27. **The Contract Labour Act, 1970 (Regulation And Abolition)**: This act was very helpful to those women/girl who have working on Contract basis. Because if any worker who has working in same establishment prior to 12 months as contract labour then, the employer must give five hundred Rupees per day to the employee, provide rest room to the worker, night halt, if required and give rest room to night (separate Room for women worker) and Room must be clean and comfortable condition, provides sufficient drinking water and latrines and urinals facilities, Washing facilities. The Contract labourers are extended all the benefits which the Regula Labour gets under labour and welfare legislation. Under this act
debts are waived by their contractors. Under this act labourers are treated as regular worker within the meaning of workman compensation act 1923. Under this act all the provision will be applicable to contract labour as applicable in Industrial Disputes Act 1947. Under this act equal pay for equal work principle are applicable as mentioned in Article of Indian constitution. Under this act women labour and women officers are also compulsory in establishment, when more than hundred employees. Under this act women not allowed to work more than 12 hours and also at night.

28. The Dowry Prohibition Act, 1961:-

This act was enactment only for women because The Dowry Prohibition Act prevents the dowry trend which was coming since last many years and as per this act whoever gives the dowry and whoever receives dowry both are punishable under this act. Nobody will allowed after enactment of this act to demand dowry from the bridegroom and bride and if demanded dowry then he will be given punishment as well as fine by the law. Soorachari K.R. V/S State of Karnataka , In this case court held that ‘dowry is paid to Z persons who are relatives of the bridegroom one speaks of receipt, the other though does not speak of the receipt of money but does not deny her presence’, it cannot be assumed that no transaction of payment of deny took place.

The Andhra Pradesh State V / S R. G. Asawa , In this case court held that ‘the demand for dowry need not be preceded by any agreement between parties to pay or receives dowry. The periphery of the restriction covers both pre-marriage and subsequent payments.

29. The Employees state insurance act.1948 :-

By this employees States insurance act the wife and family members or dependents have entitled to many forms of benefits i.e. Medical and Cash benefits, maternity benefits, family pension, Funeral benefit to wife, etc. The pehchan Smart Card, Rastriya Swastha Bima Yojana etc. are the example of Employees State Insurance act.
30. **The Employers Liability Act, 1938, ACTS no. XXIV 1938:** This act helps to the women employees from employer/s by bounding his/her liability regarding employee by following manner:
   i) employer duty to seeing works, machinery or plant are in good and safe condition.
   ii) To see the negligence of other workers.
   iii) The employer must follow the rule and bye-laws approved by authorities etc.

31. **The Equal Remuneration Act, 1976:** This act help to women for no discrimination to be made at the time of recruiting men and women workers.

32. **The Factories Act, 1948:** This act prevented the child for employment below the age of 14 years in any company or factory or establishment. This act defines the section under which explained when, how and whom employed in company or any establishment.

33. **The Family Courts Act, 1984:** This act was established to deal with the all cases relating to family such as children custody, divorce, validity of marriage. Judicial separation, restitution of conjugal rights, guardianship, Nullity of marriage, status of the parties in family etc.

34. **The Foreign Marriage Act, 1969:** This act solved the problem of marriage when Indian men/women are marriage to other countries men and women. Under this act the Indian citizen woman or Indian citizen man can marry to foreign citizenship man or woman.

35. **The Hindu Adoption and Maintenance Act, 1956:** Under this act a Hindu men/ women can be adopted the child if he/she have a capacity to adopt the child, next the child must be capable for adoption and The adoption must be valid adoption. Under this act men can be adopted a daughter but she should be lesser than father’s age by 21 years. If women woman wants to adopt son than the age of son is lesser than mother's age by 21 years. The adopted child must be fall within the Hindu category.
Under this act the same sex child must not be adopted by men or women whoever reside in house. Under this act Hindu wife are entitled for maintenance throughout the life, whether the marriage was performed before or after the act was establishment.

Under this act wife can be reside separately from her husband but still husband will give maintenance to wife, the reason of separation are cruelty, leprosy, husband reside with another woman etc. Under this act the child are entitled for maintenance from their parents, whenever he/she attained the majority age. Under this act the maintenance amount will be depend upon the courts.

36. **The Hindu Law of Inheritance (Amendment) Act, II of 1929**: This act was enactment for the hindu women/girl inheritance problem. This act given inheritance to men/women.

37. **The Hindu marriages Validity Act 1949**: This act was enactment for the validation of marriages. As per this act women are legally wedded wife of her husband.

38. **The Hindu Succession Act 1956**: This act was very helpful to the women because in this age women/girl are ignored from the property of their father/mother etc. but after enactment of this act women are also have a rights over the property of their father/mother etc.

39. **The Hindu Succession Act, 1956 (Amended) on 2005**: Any person who is by religion Hindu is the legal heirs of the deceased such as daughters, sons, mothers, widow, widow’s of a predeceased son, sons of a pre-deceased son, etc. etc.. Under this act the male and female have equal rights. There are few Judgment in this regards such as;

Ameera Nissa v/s Mahboob. In this held That matters of concurrent jurisdiction as in succession law, the state law will be will prevail by central law.
State of Bombay v/s F.N.Balsara,\textsuperscript{148} In this held that where a fair reconciliation is possible, such a view will be adopted.

Parameswari @ Gnanasakthi v/s Raja Ratinam and Others,\textsuperscript{149} In this a daughter married before march 25\textsuperscript{th}, 1989, laying a claim to 50\% share as against ¼ share, which was conceded as her share of her father’s share on his death prior to the central amendment. It was decided that the claimant was married before the state amendment act. After heard the trail, the court given its view that, hereinbefore, is in conformity with this decision. It is only where no succession has taken place between march 25, 1989 and December 25, 2004, both married and unmarried daughters were on a par till the date of succession on or after December 25, 2004, so that the married daughter’s share would get enlarged because of the central amendment and not in a case where is succession during the interregnum between the state and central amendments.

40. **The Hindu Women’s Rights To property Act, 1937:**\textsuperscript{150} This act was also enactment for the benefit of women regarding the rights of women/ girls over the property of their father, mother etc.

41. **The Indecent representation of Women (prohibition) Act, 1986:** - \textsuperscript{151} This act was enactment strictly for women/girl life and live safety. Under this act no Person Shall caused to be published, or publish, or take part in the publication or arrange, advertisement exhibition which shows the indecent presentation of women.

42. **The Indian Christian Marriage Act, 1872:** - \textsuperscript{152} This act also very helpful for Christian girl/women. This act provides a women marriage and divorce. As per Section 19 states that if the father of the minor girl be dead and if only minor girl’s mother then mother give consent for marriage, it is required for marriage if nobody give authorization for that marriage in India.
43. **The Indian Divorce Act, 1969 (4 of 1969):** This act was enactment for the women regarding divorce. The courts were give relief of nullity of marriage to the spouse on the same principles and rules on which the ecclesiastical court had done already before. Under this act if spouse are unsound mind then the other spouse will entitled for divorce. Om Prakash Gupta vs Puspa Kumari, 154 Decree of nullity when a a spouse is dull-witted as the wife in the present case. The answer to this argument is two-fold. Firstly, the clear intention of the Legislature in introducing the remedy of nullity of marriage in the Hindu Law by enacting sections 5 and 12 read with section 11 of the Act was to provide for the same degree of idiocy or lunacy to nullify a Hindu marriage as would have been sufficient to nullify a marriage in the unamended Hindu Law on the one hand and under section 19 of the Indian Divorce Act, 1869 and in the Common Law. There is nothing to show that the Legislature wanted to grant nullity of marriage where the degree of idiocy was lesser. After all, as was observed long ago, in a wide ranging survey of this subject by Sir J. Hannen in Boughtson v. Knight "unsoundness of mind is a question of degree".

The conception of the Legislature as to the degree of idiocy which would incapacitate a party from entering into a valid marriage was the same as the definition of an idiocy in the Oxford Dictionary, namely, "a person so deficient in mind nullity is capable of being distinguished from "unsoundness of mind" which may lead to judicial separation under section of this Act or divorce under this section this Act in as much as a different expression "unsound mind" has been used therein and the remedies of judicial separation and divorce are also different from the remedy of nullity. Remedy of nullity of marriage is based on incapacity to marry while the true purpose of divorce or judicial separation is to protect and relieve a spouse from misery or malaise as the outcome of cruelty or hardship. Nor are we concerned here with the meaning of the words "incurably of unsound mind" as being a best divorce ground.

44. **The IPC, 1860:** The Indian penal code favor many section to women, which are as follows;
A) u/s 354 state that anyone who intensely outrage the modesty of women punished under this act.

B) u/s 376 of this code convicted the person who have commits rape on women by using their official power without her will, against her consent, or consent by force or threats or under intoxication, or unsound mind and the age below 18 years

C) u/s 366 of this Code punished the person who kidnapped the woman for seduction or for marriage or for sexual intercourse. This section added by 366A And Section 366B.

The following are the Judgements regarding Section 366A & Section 366B (regarding Age of the prosecutrix):

Shakeel v. State of U. P., 156. In this Court held that the medical report not proved that at the time of incident girl was fourteen years and also proved that girl by her consent went with accused for sexual intercourse. therefore accused liable to acquitted.

Mohandas Suryavanshi v. State of Madhy Pradesh, 157. Court held that if minor has given her consent for sexual intercourse and the accused was taken the minor girl from the far away the parents then accused will be liable to be punished irrelevant whether her pet name was mentioned in FIR.

Section 372 of Indian Penal Code gives punishment to the person who is sale the minor girl for prostitution or illegal sexual intercourse with any person.

Section 373 of IPC gives punishment to the person who is buying the minor girl for prostitution or illegal sexual intercourse with any person.

Section 275 of Indian Penal Code gives punishment to the men /s who have committed rape on women Against her consent, her will any other reason which is mentioned in the definition Rape u/s 275 of IPC.
45. The Inter-State Migrant workmen Act, 1979 (Regulation Of Employment and Conditions of service): The main object of this act establishment is, men and women get more and more work. Under this act women can get inter-state work and therefore women gets independent to do inter-state job without any problem. Under this act anyone do work of any establishment of inter-state such as semiskilled, manual, technical, skilled, supervisory, or work for reward ,irrelevant terms of employment.

46. The Juvenile Justice Act, 2000 (care And Protection of Children): The main objective to establishment of this act to punish anyone who has kept the minor child for any job in hazardous factory / company etc. It also prevented the minor to do job and gives protection. It gives better treatment and also give rehabilitation to that children.

47. The Legal services Authorities Act, 1987 : The Legal Services Authorities act gives many criteria to whom the legal services give, in which women and aged person gives preference ,u/s 12 of the act and As per u/s 13 of this act gives right to women for legal services.

48. The Maternity Benefit Act, 1961: This act gives the maternity benefits and other benefits to women for fix period after and before child born. The aim of Maternity benefits act is to protect the dignity of motherhood by providing the complete and health care to the woman and her child, when mother is not able to perform her duty due to her health condition because Motherhood is a very special experience in every woman’s life. And she can give enough time to her child , without fear to lose her job and her source of income.

This act gives mother the assurance that her rights will be looked after while she is at home to care for her child. Under this act woman get payment of maternity benefit.If any employer fails to give
maternity benefits to his female worker than employer will be punished under this act.

49. The Mines Act, 1952: this act implements to prohibit the employment the girl/boy below 18 years of age in a dangerous place such as mine.

50. The Minimum wages (Central) Rules, 1950: This act was enactment for the safety of the women. This act also provides the minimum wages of to the women employees. Under this act women are not allowed to terminate without due process of law or prescribed rules and the salary must not be deduct without due process of law.

51. The Minimum Wages Act, 1948: this act provides for fixing wage rate (Time, guaranteed Time, Overtime) for any industry that has at least 1000 workers. This act provides hours of work with a intervals or break and provides overtime wages. Under this act employee must have one day rest in a week.

52. The Muslim Personal Law (Shariat) application Act, 1937: this act help the Muslim women regarding maintenance, dower, zihar, lian, talaq, khula, gifts, trusts properties, inheritance, intestate succession etc.,

53. The Muslim Women (Protection Of Rights On Divorce) Act 1986: The above act has given many right to a women who are muslim on divorce like she has a right a Maher at the time of divorce. She has rights on other properties at the time of divorce. And also she has a right for order for payment of maintenance.

54. The Parsi Marriage and Divorce Act, 1936: The parsi Marriage And Divorce Act Gives permanent alimony and Maintenance to parsi wife by u/s 40 and As per u/s 41 of this act gives alimony payment to wife.

55. The Payment of wages (Procedure) Rules, 1937: Under this act if (woman) employee not received payment within a prescribed period then
the employee may give written statement before the Authority and explained their problem and get their salary etc. from the employer immediately.

56. The payment of Wages Act, 1936:- This act provides that salary must be given within the working hours. If any woman has already worked of eighty hours the she will be entitled for claim benefit. As per this act woman are not allowed to do any work in hazardous factory at the time of pregnancy.

As per this act before 6 weeks of delivery employer is not allowed to kept woman for work. The maternity benefit amount will be given by the employer within the forty eight hours after receiving the proof of delivery but woman shall be given application for benefit.

57. The Pre-natal Diagnostic Techniques Act ,1994 ( Regulation And Prevention Of Misuse ) :- This act will help to prevent to misuse the techniques to determined the sex. The sex selection before birth will be prevent after the enactment of this Act in india.

58. The Protection of Civil Rights Act, 1955 Act no.22 of 1955 (As on the 1st September, 1977) :- This act was enactment to abolished the term' Untouchability'. By this act whoever preaches and practice of 'untouchability' and whoever infringed the civil rights i.e. untouchability be punished. Whoever stop / prevent any person to go inside the hotel, boarding house, lodging house, coffee house, house, building and any other structure ( tent ,Vehicle ,vessel), any place of public entertainment ,be punished under this act.

59. The Right Of Children To Free And compulsory Education Act of, 2009:- After enactment of this act all the child below the age of fourteen years shall be entitled for free and compulsory education. Every private school must be kept twenty five percentage seat must be reserved for poor
family student. This act gives development for the child education programme.

60. The Sexual Harassment of Women at Work place (Prevention, prohibition and Redressal) Act, 2013:- This act was enactment only for the prevention of women from the sexual harassment at workplace. Work place sexual harassment is the dangerous problem it gives women's works unsafe and it will affect the right of a women with her dignity.

The Indian Penal Code also given help to women regards this through u/s 354 and 509. Some guidelines given by the The Supreme Court regarding Sexual Harassment in Vishaka's case, This Mandatory guidelines are must followed by the every employer and give safe working environment to working women.

61. The Special Marriage Act, 1954:- The Special Marriage Act 1872 was repealed by this act and as per this act u/s 37 gives permanent alimony and Maintenance. As per u/s 38 of the act gives custody of the children to mother and As per this act any girl above 18 years may marry to any men irrespective class, caste, religion etc. This act provides divorce to women from her husband under section 27,

(i) if husband committed adultery or
(ii) i) If husband deserted to his wife without cause for a period of at least 3 years immediately preceding the presentation of the petition.
   ii) if husband undergoing a sentences of imprisonment for seven years or more for an offence as defined in IPC or
   iv) If Husband treated with his wife by cruelty or
   v) If husband become unsound mind since last 3 years before the application
   vi) if husband suffering from the leprosy or
   VII) If husband not been seen since lats seven years or husband gone imprisonment for rape case etc. This act Provides the pendent
lite means when the wife have no income for their necessary expenses of life, then in that case wife can got order from the court for her expenses from her husband by weekly, monthly during the proceeding of trial / case.

This act also provides the women to got permanent alimony and maintenance from her husband by making an application before the court.

62. The Trade unions Act, 1926 :- Trade unions Act 1926 states that Women are now permitted to work night shifts too between 10 PM to 6 AM. This act gives equal employment to male and female ratio 5:1 in government department. This act also gives maternity benefits to women and this act not allowed child labour and it gives the working time for women employee. It main object to

i) secure fair wages for employee and improve their opportunities for promotion and training,

ii) Safeguard Security of period and improve their condition of works.

iii) Improve working and living condition of employee and provide educational, cultural facilities and improve high standard of living. Therefore this act is help to improve the economic, political, and social of country.

63. The Workmen’s compensation Act, 1923 :- This act gives compensation of the deceased family member or Dependents i.e. widow, Minor Girl, unmarried legitimate daughter, or a widowed mother, son’s daughter, parents of the deceased, sister who has not married or widowed, daughter-in-law who has widowed, deceased daughter’s minor child and grandparents. This act provides compensation to every women entitled to the payment of maternity benefit.
3.2. JUDICIARY AND LAW INTERPRETATION RELATING TO WOMEN
WITH CASE STUDY

There are many judgments which are interpretation the Law and judiciary of
India, Which are as Follows:-

Constitutional cases

Dattatraya Motiram More V/S State Of Bombay, Article 15 (1) of Indian
Constitution gives no discrimination to gender, but in this case court held that
discrimination gives on a particulars and not given on the ground of sex.

Yusuf Abdul Aziz V/S State of Bombay, Article 15 (1) 16 (2) In this case
court held that no discrimination given on gender but if the classification on
sex ground then it will permissible.

Bombay Labour Union V/S international Franchises Pvt. Ltd, In this case
company’s rule that if women solemn marriage then she will not allowed to
Service, but court held that it is the violation of human rights.

Air India V/S Nargesh Meerza, In this case company’s rule that the women
are pregnant then she will lose her job but court held that this is the violation
of rights of women.

Mohd.Ahmad Khan V/S Shah Bano Begum, Article 14 and 16 (1) gives
constitutional rights to women and in this case court held granting equal
maintenance rights under section 125 of crpc,1973 if wife was given divorce
by her husband and personal law will not interfere .

Shobha Rani V/S Madhukar Reddi, In this case court held that mere demand
of dowry is enough for cruelty.

Pratibha Rani V/S Suraj Kumar, court held in this case that women have full
rights over her stridhan.

Gautam Kunda V/S State of west Bengal, court held in this case that
women are refused the husband’s application for a blood test to disprove
paternity as it would be slanderous, embarrassing and humiliating for the women.

_Savita V/S State of Rajasthan_⁹ court held in this case that the married daughter will also allow staying in her parents’ home.

_Vishaka V/S State of Rajasthan_¹⁰ In this case the Supreme Court provided adequate safeguards to working women against sexual harassment.

_J.V. Baharuni V/S State of Gujrat_¹¹ as per article 21 person has a right to speedy trial because it is distinct from normal trial. Court held the mere delay does not prejudice the accused and cannot prevent the continuous and gravity of crime.

The Indian Divorce Act, 1969 (4 of 1969):-

_Om Prakash Gupta vs Puspa Kumari_¹² Decree of nullity, when a spouse is dull-witted as the wife in the present case. The answer to this argument is two-fold. Firstly, the clear intention of the Legislature in introducing the remedy of nullity of marriage in the Hindu Law by enacting sections 12 and 11 read with section 5 of the Act was to provide for the same degree of idiocy or lunacy to nullify a Hindu marriage as would have been sufficient to nullify a marriage in the unamended Hindu Law on the one hand and u/s of Indian Divorce Act, 1869 and in the Common Law. There is nothing to show that the Legislature wanted to grant nullity of marriage where the degree of idiocy was lesser. After all, as was observed long ago, in a wide ranging survey of this subject by Sir J. Hannen in Boughtson v. Knight "unsoundness of mind is a question of degree". The conception of the Legislature as to the degree of idiocy which would incapacitate a party from entering into a valid marriage was the same as the definition of an idito in the Oxford Dictionary, namely, "a person so deficient in mind.

nullity is capable of being distinguished from "unsoundness of mind" which may lead to separation or divorce inasmuch as a different expression "unsound mind" has been used therein and the remedies of judicial separation and divorce are also different from the remedy of nullity. Remedy of nullity of
marriage is based on incapacity to marry while the true purpose of divorce or judicial separation is to protect and relieve a spouse from misery or malaise as the outcome of cruelty or hardship. Nor are we concerned here with the meaning of the words "incurably of unsound mind" as being a divorce ground in section I (i) (d) of the Matrimonial Causes Act, 1950,

**The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013**

The Supreme Court gives Guidelines on it after the case of Vishaka’s case. The S.C. gives guidelines are that the employer gives safe work condition to women and give safe environmental condition for work.

Before the enactment of this act if women were sexually harassed then section 354 IPC will be applied on the respondent.

**The Indian Penal Code 1860:-**

*Shakeel v. State of Uttar Pradesh* 14 In this case the prosecution failed to proved the age of victims i.e.14 years and also medical report gives the 40 years of age of victim. Prosecution failed to prove that victim went with accused for sexual intercourse with her consent and far away her parents house and therefore accused entitled for acquittal.

*Mohandas Suryavanshi v. State of Madhya Pradesh* 15, Court held in this case that minor consent will not give excuse for punishment. This is also not allowed if minor taken away the accused for sexual intercourse with her consent. And it is irrelevant the pet was mentioned if FIR. The accused will be prosecuted under Rape and kidnapping case.

In *Baldev Krishan V/S State of Punjab* 16, The Sc Held that accused may be convicted on evidence of circumstances. In this case the dead body of house wife was found in kitchen ,sustained many burn injuries in the body and that shows the story of dowry harassment and cruelty of the in-laws of the victims.

*Arvind Singh V/s State Of Bihar* 17 this case was registered u/s of IPC but the court was not convicting the accused because of lack of evidence.
Alamgir v/s state of Asam, In this case victims were suicide after two and half months of her marriage and the letter was not support the case of deceased which was written by the deceased to her mother and her friend and on the benefit of doubt accused and his family were acquitted from the case.

Gurucharan Kumar V/S State of Rajsthan, In this case accused were arrested on dowry death because the newly married wife got suicide by burn, but the letter of the deceased which was written by the deceased to her mother and her sister were not co-related to case ,Therefore on the benefit of doubt accused were released from the case.

Phulsingh V/S State of Haryana, In this case a 24 years young boy was rape to his cousin in broad day light but the session court convicted the accused and just gives only four years conviction.

Russel V/S Russel, In this case held that cruelty means danger to life, health and it must physical and mental. It should be reasonable to cause danger.

Harjeet kaur V/S Roop Lal, In this case also defined the cruelty as mentioned in the above Russel V/S Russel case.

Alampuri Lalitha Devi V/s State of A.P., Court held that any conduct of husband which causes the physically and mentally injury which effect the health of wife considered to be cruelty of husband against the wife.

Balbir Kaur V/s Dhirdas, In this case held that if husband denied to give medical expenses to his wife it’s amount to cruelty against wife.

Pancho V/s Ramprasad, When husband always insulted to his wife and it is effect on her mind and health it’s amount to cruelty against his wife.

Vinod Kumar V/S State of U.P., The facts of the case was, the anita was married to accused and after some days of marriage accused demanded money from the anita and anita’s father were fulfilled the demand. Then after again and again he demanded money, when demand not fulfilled he burned
the Anita and resulted she burn and died and therefore court has given conviction to accused u/s 302 of IPC.

Prabhakar kaduba Shejal V/S State of Mahrastra 27 In this case prosecution was that after second marriage accused person ill-treated to his first wife because she refused to withdraw the pending cases. The Prosecution has evidence that because of above reason accused poured kerosene on the victims and kept with fire. The dying declaration not have any endorsement of any doctor about the condition of deceased and also not recorded the time and date on declaration And more over the report of police state that deceased was burned when she was cooking. Court held that the police investigation and evidence filed by the prosecution was doubtful and therefore accused entitled to acquittal.

Babruvhan Giri V/S State of Maharastra 28:- In this case prosecution failed to prove that there is no evidence show prior to incidence or death of deceased regarding cruelty on demand the dowry. There are no any case made out and therefore the accused acquittal u/s 498A and 304B IPC.

State of Maharastra V/s Nandu Chandrakant Gaikwad 29:-In this case mother of deceased says that deceased was suffering many disease and brother of deceased also said that she was suffering typhoid and therefore prosecution failed to prove the case chare u/s 498A and 304 B IPC and Hence accused was acquitted .

State of Karnataka V/S K. Gopal Krishna 30 , In this held that When there are many evidence shows that there was ill- treatment with wife except one letter written by wife to shows that she was not ill-treated.(sec.498 A).

State of Tamil Nadu V/S Ramesh 31: in this case held that the magistrates have the jurisdiction to entertain the matter where the cruelty took place and not where the wife’s residence address.
Sushil Kumar Sharma V/S Union Of India 32, In this case held that when the charge leveled U/S 498 A, Then it cannot be declared that it was not constitutional.

Banhisikha Roy V/S Somnath Roy 33, In this case held that when the cruelty has been described very clearly seen in the case then no way to quash the proceedings.

B.T. Jayaram V/S State of Karnataka 34, In this case held that where the accused and victim again re-married and living together as happy spouses the 6 months imprisonment given by the court u/s 498 (a) will reduce to the already undergone period.

Sakatar Singh V/S State of Haryana 35, In this Case court held that there are no case if accused husband demanded shares to her wife’s father’s property.

Reema Aggrawal V/S Anupam 36, In this case held that when the definition not fulfilled that accused was the husband of victims then it was not exclude from the section 498 (a) & (b) of IPC.

Shamlal V/S State of Haryana 37, In this case held that when u/s of IPC along with section 113A of Evidence act and if certain humiliation shows against the wife then the presumption of dowry death cannot be considered.

Siraj Mohd. Khan V/S Hafijunnisa 38, In this case Sc held that if the wife proved that her husband is impotent then it will be considered the mentally and physically cruelty to his wife by her husband. And therefore she will allow living separately with her husband.

Jaswant Kaur V/S Jagat Singh 39, the above same Judgement was passed in this case also on the ground of impotency of husband.

Prabhakar kaduba Shejal V/S State of Mahrashtra 40 In this case prosecution was that after second marriage accused person ill-treated to his first wife because she refused to withdraw the pending cases. The Prosecution have evidence that because of above reason accused poured kerosene on victim
and kept with fire. The dying declaration not have any endorsement of any doctor about the condition of deceased and also not recorded the time and date on declaration And more over the report of police state that deceased was burned when she was cooking. Court held that the police investigation and evidence filed by the prosecution was doubtful and therefore benefit given to accused .Therefore the accused entitled to acquittal.

\textit{Narayan Bhimrao Sonawane V/S State of Mahrastra} \textsuperscript{41} The case of Abetment of suicide. In this case there were civil disputes in between accused and deceased and because of disputes deceased had committed suicide. The Dying declaration of deceased and the daughter of deceased mentioned same reason in FIR. The daughter also mentioned that her father harassed her mother always. Court held that there is no any case made out and the deceased have committed suicide because of frustration and earlier quarrel not indicated the abetment of suicide and therefore the FIR of the accused quashed.

\textit{Sunder Gounder V/S State of GOA} \textsuperscript{42} In this case court held that only dying declaration is not reliable as evidence without required evidence and therefore benefit to accused and accused entitled to acquitted on benefit of doubt.

\textit{Balasaheb Sukhdev Navlikar (Kamble) V/S State of Maharastra} \textsuperscript{43} In this case prosecution failed to prove the case and given doubtful evidence against the accused and therefore the benefit given to accused and hence the accused is entitled to acquit u/s 302 of Indian Penal Code.

\textit{Ashok Rambhan Gaikwad V/S State of Maharastra} \textsuperscript{44} In this case prosecution said that accused have committed murder to his wife but prosecution failed to prove this case. In this case prosecution do not have any evidence to prove that at the incident time offence accused person in his house and mere deceased wife found lying in pool of blood in the house is not enough to give sentence to accused. Therefore benefit of doubt goes to accused and accused person entitled to acquit in the case of u/s 302 of IPC.

\textit{Janardan Saju Patil v/s Sate of Maharastra} \textsuperscript{45} In this case deceased found died in the house of accused and prosecution prove that accused bitted very
hard to the deceased is not enough to give conviction to the accused. And child evidence not support to fill the chain of evidence and the chain of evidence not prove and therefore the accused acquit from the charge u/s 302 of IPC.

State Of Maharastra V/S Anwar Shamin Shaikh 46 The fact of the case that accused person rape to his own daughter. The FIR was lodge after 2 and half month. There are no any fresh or old injuries found on victim’s private parts. The cloths of victim also not support the evidence and therefore accused person entitled to acquitted u/s 376 IPC.

Maharashtra vs. Madhukar Narayan Mandikan 47 In this case The Supreme Court of India held that prostitute have also a right to denied for sexual intercourse with anybody because of privacy rights. In this case also held that all stranger who commit rape is criminal and punished by law and all women except wife is have a rights of a privacy and therefore she have right to refused for sex.

In Sree Kumar vs. Pearly Karun 48, In this case The Kerala High Court says that if wife staying with her husband because of custom and forcibly staying by the decree of separation order in favour of husband ,and if husband have sex with her wife without will of his wife commits rape and he shall be not be punished u/s of Indian penal Code.

In Baldev Krishan V/S State of Punjab 49, The SC held that the accused may be convicted by evidence of circumstances evidence. In this case the dead body of a house wife was found in kitchen and had sustained many burn injuries on the body and this fact showed the story of dowry harassment and cruelty by the in-laws on the victim.

Arvind Singh V/s State Of Bihar 50, The case was registered under cruelty of IPC but court failed to convict the accused because of lack of evidence.

Alamgir v/s state of Asam 51, In this case the victim had committed suicide after two and half months of her marriage and a letter written by the victim to
her mother and friend failed to support the case of deceased and on the benefit of doubt, the accused and his family were acquitted from the case.

Gurucharan Kumar V/S State of Rajsthan 52, In this case, the accused were arrested on dowry death because the newly married wife committed suicide by burning herself and the letter of the deceased which was written by the deceased to her mother and her sister were not co-related to case and therefore on the benefit of doubt accused were released from the case.

Phulsingh V/S State of Haryana 53, In this case, a 24 years young boy had raped his cousin in broad day light but the Sessions court convicted the accused by giving only four years conviction.

Russel V/S Russel 54, In this case, it was held that cruelty means danger to life, health and it must physical and mental. It should be reasonable to cause danger.

Harjeet Kaur V/S Roop Lal 55, In this case also cruelty was defined as mentioned in the above Russel V/S Russel case.

Alampuri Lalitha Devi V/s State of A.P. 56, The Court held that any conduct of husband which causes physical and mental injury affects the wife’s health is considered to be cruelty of husband towards the wife.

Balbir Kaur V/s Dhirdas 57, In this case it was held that if husband denies giving medical expenses to his wife, it will amount to cruelty to wife.

Pancho V/s Ramprasad58, (AIR 1956), All 41, When husband always insulted his wife and it affected on her mind and health, then such behavior not fall under the definition of cruelty towards his wife.

Vinod Kumar V/S State of U.P.59, The facts of the case was that Anita was married to the accused and after some days of marriage, the accused demanded money from Anita. Anita’s father fulfilled the demand once but the demands became regular and when the demands were not fulfilled, the burnt Anita who resulted in her death and therefore the court has given conviction to accused u/s 302 of IPC.
Balwant Daulat Patil (dr.) V/S State of maharastra 60. In this case all the witnesses have been examined and find that apart from bald allegations that accused was ill-treated and harassed to the victim, court held that this will not fall under the definition of cruelty and no evidence show before death of her wife, that she was harassed or ill-treated for the demand of dowry, Hence accused acquitted with the alleged case.

State of Maharastra V/S Shaikh Sinkandar Isamoddin 61. In this case prosecution not proved that victims was harassed and ill-treated by her husband soon before her death And therefore accused has been released from the alleged case.

State of Maharastra V/S Sanjay Sheshrao Suryawanshi 62. In this case court held that there must be direct link between cruelty and dowry demand which causes death. Prosecution has not proved by their direct or circumstantial evidence of dowry death and delay in lodging F.I.R., hence the accused was released from the above case.

Rajashree Kokate Marde V/S State of maharastra63 In this case court held that there is no any provision in law which court is empowered to issue the direction regarding the status of wife, in the interest of her family.

State of Maharastra V/s Madhukar Baliram Survase 64, In this case court held that prosecution has not shown any reliable evidence regarding the illicit relations between the accused and other women by reason accused was ill-treated to the victim and therefore prosecution not proved the case ,hence accused acquitted.

Appa Gajabapu Koradkar V/s State of Maharastra 65, in this case court held that matter has come within the purview of indian evidence act and therefore accused allowed to explained how the death of the deceased had happened.

Kanchanben Purshottambhai Bhanderi V/S State of Gujrat66, in this case court held that allegation of ill-treated and demand of things by way of dowry demand was not proved by the prosecution.
Shersingh @ Partappa V/S State of Haryana 67, In this case court held prosecution have failed to proved that accused was ill-treated with his wife for dowry demand and resulted suicide of the victims. There was many contradiction between the statements of witnesses, hence accused acquitted from the alleged case.

Milind Ramchandra Gharat V/S State of Maharastra 68, In this case court held that dying declaration have serious infirmity and therefore, will have to be left out of consideration. In this case no evidence against the accused and therefore accused is entitled for the benefit of doubt, hence acquitted.

Dilip Babruvhan V/S State of Maharastra 69, In this case court held that prosecution have failed to show that accused was done cruelty on victim before died and dowry demand and there was no evidence proved and therefore accused entitled to acquitted.

Prabhakar Kaduba Shejal V/S State of Maharastar 70, in this case court held that no evidence show that after second marriage accused ill-treated his deceased for withdraw the pending cases which was filed against the accused, hence acquitted the accused.

Janardan Saju Patil V/s State of Maharastar 71, in this case court held that prosecution failed that accused was assaulted his wife by bamboo stick on her head which causes death of the deceased and also prosecution has shut his mouth about the manner of death of the deceased, Therefore accused acquitted from the above case.

Cinematograph Act, 1952 :-

Gita Ram And Anr. V/S State Of H.P. 72 The Case was registered on the basis of information and the defence lawyer demanded probation of offender act but the court give conviction to the accused. On conviction, accused went to session court but the session court gives same judgment and last the Supreme Court also confirmed the session court judgement.

P.N. Films Ltd. V/S Union of India 73 Case filed u/s 3 of the act 37 of 1952 the Cinematograph Act, a Board of film would be declared as an uncertified film.
This notification is issued u/s 6 (c) of the cinematograph Act Suspending the exhibition of this picture for a month.

**Amitabh Bachhan Corporation Ltd. V/S Om Pal Singh Hoon** Case

Registered u/s 5-B of The Cinematograph Act 1952 and on reasonable restriction in the interest of Decency and morality. A law was made to impose such reasonable restriction when the cinematograph Act 1952 was passed and Section 5 B contains the identical words ‘decency and morality’ and the the pictures was restrict for a month.

**R.K. Star Production case** Court held in this case the board refusing to grant Certificate etc. for the pictures and the court has kept same order because the same question of decency and morality of women was arises.

**The Hindu Succession Act, 1956 (Amended) on 2005**: The inference is drawn from the general principle that in matters of concurrent jurisdiction as in succession law, state law will be prevail by central law as decided in **Ameera Nissa v Mahboob**

Where a fair reconciliation is possible, such a view will be adopted as decided in **State of Bombay v F.N. Balsara** As regards the judgement of the Madras High Court in **Parameswari @ Gnanasakthi v Raja Ratinam and Others**, the case related to a daughter married before March 25, 1989, laying a claim to half share as against one-fourth share, which was conceded as her share of her father's share on his death prior to the central amendment. It was decided that the claimant was married before the State Amendment Act.

**Hindu Adoption and Maintenance Act, 1956**: In this case held that Maintenance for divorce Woman is provided under the Hindu Marriage Act. She cannot claim Maintenance by recourse to Hindu adoption and Maintenance Act.

**The Dowry Prohibition Act, 1961**: In this case court held that ‘dowry is paid to Z persons who are relatives of the bridegroom one speaks of receipt, the other though does not speak of the
receipt of money but does not deny her presence, it cannot be assumed that no transaction of payment of deny took place. The State of Andhra Pradesh V/S R. G.Asawa In this case court held that ‘he demand for dowry need not be preceded by any agreement between parties to pay or receives dowry. the periphery of the restriction covers both pre-marriage and subsequent payments.

Protection of Women From Domestic Violence Act, 2005 :- S.R.BATRA and another V/S Smt. Taruna Batra, court held that exclusive property of the mother-in-law of sm.Taruna Batra is not a shared household and the daughter-in-law is not allowed to reside, and the section 2 of the act is not applicable here.

Indian evidence act, 1872:- Tukaram vs State of Maharashtra State of Maharashtra vs Madhukar N Mardikar In this citation the police officer raped the prostitute in a police station and therefore court held that every women have dignity and have a right to give consent for intercourse with another and if not then the person who without her consent have sex then he shall be liable for Rape and will be convicted for that.