

**VIOLENCE AGAINST WOMEN- “A CLIMATE OF NON- TOLERANCE”**

-Pradeep Joshi & Ankita Banerjee<sup>1</sup>

**ABSTRACT**

*“The abuse of women and girls is the most pervasive and unaddressed human right violation on earth”- Jimmy Carter.*

*In South Asian countries, the coalescence of Hindu, Buddhist, Confucian, Islamic and Christian traditions have moulded the temperament of women and determined their social rank. The unyielding cultures and prejudicial attitudes towards women have led to the victimization of women, from lone to community levels. Females in this region are exposed to discriminatory practices and brutal conduct at all stages of life. The occurrences such as female infanticide in India, the recurring episodes of culture- specific brutal acts like honour killings and acid attacks, molestation, trafficking of women and girls from Nepal, Sri-Lanka and India to other parts of the world are enforced into the sex industry and other sorts of sexual violence, all constitute examples of violence against women in the South Asian countries. In this research paper we would critically view on the violence against women, ubiquity of various types of violence, the theory of violence against women along with the changes which are obligatory in order to conflict violence against women.*

**Keywords:** *Coalescence, Victimization, Discriminatory, Violence, Ubiquity, Obligatory.*

**Introduction**

Violence against women is a worldwide occurrence and involves a spectrum of physical, sexual and psychological gestures of control, ultimatum, aggression, ill-treatment and assault. Studies have persistently displayed that women and girls globally undergoes various forms of violence by close and expanded family members, neighbors, associates, and by men in stance of potential and command such as police and soldiers<sup>2</sup>. Violence against women takes various shapes, such as female

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<sup>1</sup>Students, Siddhartha Law College, Dehradun

<sup>2</sup>The United Nations Work On Violence Against Women.

infanticide<sup>3</sup>, child abuse<sup>4</sup>, incest, molestation<sup>5</sup>, sexual exploitation<sup>6</sup>, intimate partner violence (IPV)<sup>7</sup> and maltreatment of aged females<sup>8</sup>. In India, the problem has been spotlighted after legislation and against domestic violence in 2005, commonly termed as Protection of Women from Domestic Violence Act<sup>9</sup>. Violence against women amid the several Indian groups on a frequent basis goes unreported. The aim of this study is to publicize the prevalence and other linked issues of different forms of violence against women from India and other South Asian countries.

### **Historical View**

Along with the indigenous religions such as Hinduism and Buddhism were brought into this region by the foreign invaders as these religions are all prevalent, their effect was naturally felt both on the way of life as well as on the position of women. In June 1980, a meeting was organized in Manila<sup>10</sup>, where 13 south Asian countries have introduced their report. They pointed out that there were no decree which were discriminatory towards females rather it was the common custom which was the in charge of such attitudes towards them.

Even when the female had the lawful rights they were not permitted to seek justice due to the rigid customs. In Asia reports of the South Asian countries shows phenomenon of brutality subduing and helplessness due to traditional consequences faced by females in order to gain the rights provided by the local legislation.

Some of the historical elements that are usual in Asian counties include:

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<sup>3</sup>Female Infanticide Prevention Act, 1870.

<sup>4</sup>The Protection of Children from Sexual Offences (POCSO) Act, 2012.

<sup>5</sup>Section 375 of the Indian Penal Code.

<sup>6</sup>Section 354 of the Indian Penal Code.

<sup>7</sup>Protection of Women from Domestic Violence Act, 2005.

<sup>8</sup>Elder Abuse in India, World Health Organization.

<sup>9</sup>An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.

<sup>10</sup>Women Lawyers Association of Philippines.

1. Agriculture-based wealth. The tribal feudal system and patriarchal shapes<sup>11</sup> grant a secondary role to females.
2. Polygamy: Hinduism and Buddhism are two religions, which allowed polygamy hence lowering the position even further<sup>12</sup>. Historical culture of binding of the feet of Chinese females<sup>13</sup> and blazing the wife along with the husband's dead body, in Hindu custom (SATTI)<sup>14</sup> are some of the well-known proofs of violence against females in South Asia. Even though Islam permits polygamy, it conceptually permits equal status to women in many regions<sup>15</sup>. Although in actual practice, it has engrossed many of the cultural roles of Hinduism and Buddhism e.g. males are permitted four wives but the community disagreed female's right to remarry, which is permitted in Islam.
3. Industrialization: Having overlooked out of the Industrial revolution, South Asian countries were propelled into postindustrial community. Thus, extremely different stages of growth were found in the various regions of these countries. Because of extensive unemployment, women were pushed out of the remunerative employment market and enforced to return to traditionally unsettled labor in agriculture and family business.<sup>16</sup>

### **Laws To Combat Crime Against Women**

1. Rape: A rape victim can file an FIR in the local police station under following Sections of Indian Penal Code:
  - 376-Punishment for Rape.<sup>17</sup>
  - 376A-Punishment for causing death or resulting in persistent vegetative stage of victim<sup>18</sup>

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<sup>11</sup>Is a system which differentiates and stratifies human being based on sex, and it favors men. It defines women's roles and functions in the society which normally put barriers to many women's right such as right to education and the right to work.

<sup>12</sup>Polygamy became illegal in India in 1956, punishment specified in articles 494 and 495.

<sup>13</sup>Foot binding was banned in 1912.

<sup>14</sup> Sati (Prevention) Act, 1987.

<sup>15</sup>Shia Islamic marital jurisprudence.

<sup>16</sup>Women and economy: complex inequality in a post-industrial landscape, Katy Bennett.

<sup>17</sup>Pramod Mahto And Others Vs. State of Bihar JT 2002 (6) SC 568, 2003 (10) SCALE 489 b, (2003) 9 SCC 215

- 376B- Sexual Intercourse by Husband upon his wife during separation.<sup>19</sup>
  - 376C- Sexual Intercourse by Person in Authority.<sup>20</sup>
  - 376D-Gang Rape.<sup>21</sup>
2. Obscenity and Pornography: The Indian Penal Code, 1860, The Information Technology Act, 2000, The Indecent Representation of Women (Prohibition) Act, 1986, deal with obscenity and pornography and make publishing or transmission, sale of obscene and pornographic materials as punishable offences under various provisions.
- Sections 292,293,294,354,354A, 354B, 354C, 509 <sup>22</sup>.
  - Sections 66E, 67,67A, 67B <sup>23</sup>
  - Section 6 <sup>24</sup>

These laws were well interpreted in the case of *Ranjit D Udeshi vs. state of Maharashtra 1964 Supreme Court*.<sup>25</sup>

3. Sexual harassment at workplace: Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed with the objective of providing protection to the women at workplace. Section 294, 354, 354 and 509 <sup>26</sup>deals with such cases.

Case law: *Vishaka vs. State of Rajasthan and ors 1997, Bhanwari Devi Case*.<sup>27</sup>

4. Acid attack: The act of throwing acid or similar corrosive substances at someone with the intention to disfigure, maim, torture or to kill someone is termed as acid attack or vitriol attack. Acid attack is most common in South Asian countries.

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<sup>18</sup> Rohit Joshi Vs. State of Uttarakhand & Another.

<sup>18</sup>Nikhil Dattatray Gavali Petitioner Vs. The State of Maharashtra.

<sup>20</sup>Suo Moto vs State Of Rajasthan on 1 June, 2005 RLW 2005 (2) Raj 1385, 2005 (4) WLC 163.

<sup>21</sup>State vs I. Mr. Vikas Dahiya on 26 April, 2014.

<sup>22</sup>of the Indian Penal Code, 1860

<sup>23</sup>Information Technology Act, 2000

<sup>24</sup>Indecent Representation of Women (Prohibition) Act, 1986

<sup>25</sup>AIR 881, 1965 SCR (1) 65.

<sup>26</sup>Sexual harassment at workplace

<sup>27</sup>AIR 1997 SC 3011.

Even police in India are very known to throw acid on individuals, especially on the eyes of the victims, causing them blindness.

A very familiar case of Bhagalpur buildings, where police trailed 31 accused by pouring acid on their eyes, resulting to blindness. Further notable cases of acid attacks<sup>28</sup> in India.

- Section 326A and Section 326B<sup>29</sup> of the provides punishment to the culprits behind the acid attack.
- Section 100 of Indian Penal Code, 1860 provides right to private defense of causing death if there is acid thrown or there is an attempt of acid throwing. Case law: *Laxmi v/s Union of India*.<sup>30</sup>

5. Crime heads under the Indian Penal Code:

- Rape (Sec. 376 IPC)
- Attempt to commit Rape (Sec 376/511 IPC).<sup>31</sup>
- Kidnapping & Abduction of Women (Section 363, 364, 364A, 365, 366 to 369)<sup>32</sup>
- Dowry deaths (Section 304B IPC)<sup>33</sup>
- Assault on Women with Intent Outrage Her Modesty (Section 354 IPC)<sup>34</sup>
- Insult to the Modesty of Women (Section 509 IPC)<sup>35</sup>.
- Cruelty by husbands or his relatives (Section 498A IPC).<sup>36</sup>
- Importation of girls from foreign countries up to 21 years of age (Section 366B IPC).<sup>37</sup>
- Abetment of suicide of Women (Section 305 IPC).<sup>38</sup>

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<sup>28</sup>Sonali Mukherjee's case, 2003.

<sup>29</sup>Indian Penal Code, 1860

<sup>30</sup>2014 SCC 4 427.

<sup>31</sup>Kishor S/O Raghunath Shrirama vs. State of Maharashtra, 13 September, 1994.

<sup>32</sup>Suresh Vishwanath @ Karuthupandi vs The State, 10 September, 2018.

<sup>33</sup>Deepak Kumar @ Babbu @ Ballu vs State Of U.P, 1 August, 2019.

<sup>34</sup>Major Singh Lachhman Singh vs The State, 30 May, 1963 AIR 1963 P H 443, 1963 CriLJ 390.

<sup>35</sup>Santha vs State Of Kerala, 16 December, 2005 2006 (1) KLT 249

<sup>36</sup>Onkar Nath Mishra vs. State (NCT of Delhi), (2008) 2 SCC 561.

<sup>37</sup>Emperor vs Banubai Ardeshir Irani, 17 November, 1942, (1943) 45 BOMLR 281

<sup>38</sup>Shaik Ibrahim vs The State of A.P. 2004, 2005 (1) ALD Cri 163, I (2005) DMC 535.

6. Crime heads under the Special and Local Laws

- Dowry Prohibition Act, 1961
- The Indecent Representation of Women (Prohibition) Act, 1986.
- The Commission of Sati Prevention Act, 1987.
- The Protection of Women from Domestic Violence Act, 2005
- The Immoral Traffic (Prevention) Act, 1956.

### **Violence Against Women In India**

The most customary forms of violence against women in India comprises of domestic abuse, sexual assault and murder. Mostly the violence against women in India goes unreported or undocumented due to some unquestionable Indian customary values and beliefs. <sup>39</sup>These acts are carried out by men and as a consequence there is a deep rooted gender inequalities present in our country. The aforesaid reasons contribute India to have ranked 95 out 129 countries in the New Global Gender Inequality Index 2019.<sup>40</sup>

As stated by a survey 27% of women have experienced physical violence from the age of 15 years in India. Domestic violence in rural areas is more as compared to that of urban areas in India that is 29 percent and 23 percent respectively<sup>41</sup>. According to the report of PWDVA, it recognizes that generally marital rapes are conducted due to unlawful dowry demands.<sup>42</sup>

According to an article provided by News18, the survey shows that, 31 percent of married ladies face violence in the form of physical (27%) and emotional (13%) by their spouse. They experience physical injuries such as eye injuries, sprains, dislocations or burns and various other serious injuries. Even the unmarried females

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<sup>39</sup>International Centre for Research on Women.

<sup>40</sup> World Economic Forum.

<sup>41</sup> International Clinical Epidemiologists Network (INCLEN).

<sup>42</sup> Indian National Crime Record Bureau.

too suffer because of the brutal acts conducted by their by stepmothers (56%), fathers or step-fathers (33%), sisters or brothers (27%) and by the teachers (15%).<sup>43</sup>

However, surprisingly, the most worrying factor with the women in our Indian community is they themselves are supportive of these brutal acts carries out on them. Survey shows that females aging between 40-49 are the most supportive individuals of domestic violence, with 54.8% in agreement. The percentage explaining ill-treatment is marginally lesser among younger women. 47.7% of girls between the age of 15 and 19 agreed with violence by their partners.<sup>44</sup>

<b>Year</b>	<b>Reported violence<sup>[2]</sup></b>
2008	195,856
2009	203,804
2010	213,585
2011	213,585
2012	244,270

### **Violence Against Women In South Asian Countries**

#### **1. Violence against women in Afghanistan:**

Just like other countries crime or violence against women have also been reported with Afghan women<sup>45</sup>. In year of March, 2015 a 27 year old Afghan women named Farkhunda Malikzada, was reported to suffer public battering and slain by a furious mass of radical Muslims in Kabul on a fake allegation of Quran desecration. Just after this tragic incident, a number of communal officials turned to Facebook to endorse

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<sup>43</sup> Abuse against Women: The Threat Lies Inside Our Homes.

<sup>44</sup> National Commission for Women (NCW).

<sup>45</sup>The 2008 Global Rights survey.

this unsympathetic lynching. Later it was disclosed that the women did not even blaze the Quran.<sup>46</sup>

Many women in Afghanistan go through some sorts of abuses. Many women are also confined for minor delinquency. The enforcers are usually the family members of the victim.

In 2009, the Elimination of Violence against women (EVAW) was inscribed into law. The EVAW was the creation of numerous associations as well as eminent women's rights activist in Kabul (likely UNIFEM, Rights & Democracy, Afghan Women's Network, the Women's commission in the Parliament and The Afghan's Ministry of Women's Affairs).

In Afghanistan cultures and traditions guided by centuries-old patriarchal directives prevail. The affair of violence against women becomes noticeable. Due to the high illiteracy level among the masses further promotes the problems. A number of females in the Afghan society believe that it is acceptable for their husbands to abuse them. The aforesaid reason of acceptance of violence was the cause behind the creation of EVAW. In 2018, Amnesty International found out that violence against women was committed both by state and non-state performer.

Honor killing: In 2012 Afghanistan reported 240 cases on honor killings. 21% of the crimes were conducted by victim's husband, 7% by their brothers, 4% by their fathers and the rest were committed by their relatives. In May 2017, it was confirmed by the United Nations Assistant Mission in Afghanistan that the majority of the perpetrators were of honor killings were not punished.<sup>47</sup>

## 2. Crime against women in Bangladesh:

The native Buddhist and Hindu Jummas of Sino-Tibetan backdrop were targeted by the Bangladeshi government with huge amount of abuses and genocidal strategies and as racial Bengali colonist crowded into Jumma lands grabbed controls and slaughtered them with the Bangladeshi military engaging in gang rape of women. Massacres of whole village and Hindu and Buddhist religious sites were deliberately targeted and

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<sup>46</sup>BBC World News.

<sup>47</sup>Afghanistan Independent Human Rights Commission (AIHRC).



attacked. In Bangladesh's rural regions rapes have been committed by 1/8<sup>th</sup> of the men.<sup>48</sup>

This country has the highest rates of child marriage in the world.<sup>49</sup> The illegal practice of dowry also contributed to this phenomenon. The Domestic Violence Act (Prevention and Protection) Act, 2010 was enacted by Bangladesh government in 2010.

Bangladesh being the least developed countries in the world its evaluated generality of violence against women is very high, making it an obstacle for the reparation of equality, evolution and peace. The main reasons behind violence against women were dowry (32.72%), conflict in a family (32.54%), sexual abuse (19.16%), extramarital relationship (11.20%), others (3.06%) and domestic violence (1.31%).<sup>50</sup>

### 3. Violence against Women in Pakistan:

Violence or crime against women in Pakistan is one of the major public health problem and violation of Women's human rights in Pakistan. The patriarchal attitude of the society is the main cause of such acts in Pakistan. Females in Pakistan mainly face violence like forceful marriage, workplace sexual harassment, domestic violence and honor killings.<sup>51</sup> A survey done by the Thomson Reuters Foundation, ranked Pakistan as the third most dangerous country in the world for the females after Afghanistan and Republic of Congo.

Marital rape is a common form of abuse faced by the females and is considered to be a crime.<sup>52</sup> Reports of United Nations states that 50% of married women had experienced sexual abuse and 90% have been psychologically violated.

According to the statistical report by White Ribbon Pakistan, an NGO for Women's right, 4734 women faced sexual violence between 2004 and 2016. Around 15,000 cases of honor crimes were registered. There were more than 1800 cases of domestic violence and more than 5,500 cases of kidnapping were reported during this period.

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<sup>48</sup>Statistical Yearbook of Bangladesh.

<sup>49</sup>UNICEF Survey Report.

<sup>50</sup>The Annual Report of Violence against Women in Bangladesh.

<sup>51</sup>National Police Bureau, Ministry of Interior, Government of Pakistan.

<sup>52</sup>Under Zina Laws.

According to few media reports, over 51,241 cases of violence against women were reported between January 2011 and June 2017.

#### 4. Laws prevailing in Pakistan

Article 25 of the 1973 Pakistani constitution states: "All citizens are equal before law and are entitled to equal protection of law. There shall be no discrimination on the basis of sex. Nothing in this Article shall prevent the State from making any special provision for the protection of women and children."

Article 23 of the 1973 Constitution states: "Provision as to property. Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest."

Article 310A states: "Punishment for giving a female in marriage or otherwise in Badla-e-sulh, Wannu or Swara. Whoever gives a female in marriage or otherwise compels her to enter into marriage, as Badal-e-Sulh, Wannu, or swara or any other custom/practice under any name, in consideration of settling a civil dispute or a criminal liability, shall be punished with imprisonment of either description for a term which may extend to seven years but shall not be less than three years and shall also be liable to fine of five hundred thousand rupees."

"Whoever by deceitful or, illegal means deprives any woman from inheriting any movable or immovable property at the time opening of succession shall be punished with imprisonment for

either description for a term which may extend to ten years but not be less than five years or with a fine of one million rupees or both."<sup>53</sup>

#### **Ubiquity Of Various Types Of Violence**

Cultural diversity anthropoid and ethnographic studies of violence against women include cultural customs and those around gender relationships in the acceptance and furtherance of violence against women. The existence and gravity (seriousness) of wife battering, varied from perennial to almost non-existent, inspite of the fact

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<sup>53</sup>The Prevention of Anti Women Practices Act 2011

physical rebukes of wife was tolerated and even considered obligatory in most societies. It was noticed that the existence of “sanctions” against brutal behavior, for example- the family and the group being able to intercede in conjugal discourse and divorce was considered as low levels of violence and vice-versa. Culture with a virile concept of manliness associated with supremacy, male honor also was considered to have higher overall levels of violence against women.<sup>54</sup>

Ethnic norms around violence, gender and carnal relationships are not only displayed at a discrete level, but are also secured or not by the family, the community and inside the wider social context, including the media.<sup>55</sup>

Globalization and the growing urbanization of flourishing countries however, may be bestowing to the vanishing of some of these shielding factors. They contribute to the separation of females from their expanded families and have also diminished community authorization.

The cross-cultural relevancy of clarity is one of the issues that come to light in the context of international studies.

### **Theories on Violence Against Women**

Many customary communal views towards females still prevail amid the people all over the countries. Even enough access to education and particulars has frequently failed to erase off deeply implanted conception about women. One aforesaid thought is that a daughter is considered only a visitant in the same house where she was born and that in the due course of time she has to go to her ‘actual’ or ‘hitched’ house. The buskin does not end here, following the trend, for a women, there is no whereabouts outside the house her paternal or spouse’s house. At her husband’s house, her only character is of a housemaid and a matron. Communal practices command honor killings or more maltreatment if a custom is breached.<sup>56</sup> In 2002, in a rustic village in Pakistan, an eleven year aged boy was found walking with a girl of higher caste. As a

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<sup>54</sup>National Family Health Survey (NS FS-4).

<sup>55</sup>International Centre for Research on Women (ICRW).

<sup>56</sup>The Woman as Communal Subject: Rashtrasevika Samiti and Ram Janmabhoomi Movement, Tanika Sarkar

penalty, it was asked to gang rape his eighteen-year-old sister, by four older men of the village.

Aforesaid theories justify the ubiquity and events of brutality of women in South Asian communities. First is the perception of males as red-blooded beings. Hostility is a prime aspect of manly characteristic. Men ponder themselves brawny and show off their firmness by being aggressive to women.

Second is the concept of male jingoism. It defines that, in South Asian communities life is known to be indispensable without men. Females appraise themselves as uncertain, insufficient and worthless without males. On the basis of this perception, the male member commands in society and the females are expected to be submissive. The males are able to utilize women's delicacies.

The third notion is that of out of sway. According to this conception, when a male member of the community finds that the female by some means is getting powerful either by her educational grounds or economic stability, he tries to recoup authority by battering or by other forms of brutal acts until she gives up. The motive of this wicked act is to restrict the private growth and advancement of women.

Lastly, is the conception of banishment of affect. The rampant klashink off culture ensuing 20 years of conflict, unemployment and boom in Afghanistan has guided to a lot of exasperation and violence in the community, which needs a way out. Men find an easy way out for it by executing domestic violent acts against women, which is, of course less menacing for him.

Even though there are many there are more theories on the cause of domestic violence, it is the shape of a family that permits such events to occur. The shape of the family guides to or authorizes the acts, emotions or occurrence which is found to be the roots of domestic violence. Household structures which place males as the uncontested head of the family and keeps the ongoing events in the family as secret and private, allows violence at homes to occur.

### **Conclusion**

In spite of the awareness of the widespread ubiquity of all types of crimes against women in South Asian countries, the government appears to be impotent and reluctant to put a stop to it. The domestic violence has been reported as the most prevalent violation of Human Rights. Because of the deep-rooted and vast biases against women, the criminal justice system does not work as a direction of redress and justice for women victims of violence. A comprehensive initiative of concrete measures and turn-about of existing government views and policies is necessary to provide female victims of crime with effectual remedies and equal protection of law. NGO's must be assisted to services for sufferers of violence: to allocate shelter, legal aid, counseling and medical services.

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