

Legislative Consciousness on Violence Against Women

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Abstract

The fight against violence against women is sine qua non to legal awareness. India is the first nation to enact the Domestic Violence Act 2005 for Women and many other legislation to empower women. "It is a crucial issue that women be legally conscious." All national publications are integrated with household and professional news concerning violence against women. While a lot of legislation has been passed in India to empower and protect women from violence, these laws are not very effective since women in India are unconscious. This research examined the degree of legal knowledge and the effect on their actual lives in relation to violence among women in various occupations, education and income. The results revealed that education, money, professional job and legal knowledge were in good connections with each other. It was also found that legal knowledge and victimization of women were negatively linked.

Keyword: Women, Violence, Legal Awareness, Education, Income.

1. INTRODUCTION

Women of all ages and classes, of all colours, faiths and countries, are subject to violence against women across the globe. Men perpetrate it disproportionately. The research also examined instances of women's violence after policy changes in low and high incidence regions. Today it is the most prevalent human rights violation in the world. She has subtle and flagrant manifestations and a significant influence on growth. And it is so thoroughly integrated into civilizations worldwide that it is almost undetectable. Violence against women infringes, undermines or overturns women's liberties and their human rights. Psychological abuse, which may be equally humiliating and damaging, is almost usually associated with physical assault. Acts or threats of violence, whether committed or endorsed in the family or in the community, cause fear and insecurity in women's life, hinder the attainment of equality, development and peace. Fear of violence constantly restricts women's movement and restricts access to resources and fundamental activities. Violence against women is linked with high social, health and economic consequences for people and society. Violence against women is one of the key societal processes by which women are compared to males in an inferior position. Violence against women is an expression of the historic disparity in power between women and men which has led to dominance and discrimination against women by males and to obstruction of the complete progress of women."

2. LITERATURE REVIEW

Zarina Mohd Zain (2012) while it is true that breaches of human rights are perpetrated against men and women, the effect on the victims' sex is obviously different. Studies show that all aggressive actions against women include some features or other qualities which provide the foundation for their categorization as gender-based violence. 52 respondents selected using the stratified sample method from 4 major bachelor programmers. To the conclusion of this study, the degree of sensitivity on GBV, the reasons and measures taken to resolve the issue have been determined.

Bolsas-Marta Berbegal (2020) Identifying equality and gender-based violence prevention attitudes and analyzing factors linked with a greater awareness by medicinal and social science students of gender-based violence. A descriptive cross-sectional study has been performed. In 2018 and 2019 the sample included 437 students from the University of Zaragoza (Spain) who studied medical and social sciences. The research factors were: socio-demographical characteristics, academic variables, feminism towards feminism in the movement of women and feminism (FWMS), gender-based violence attitudes based on gender equality and a sex-based violence prevention scale (GEPGVS).

Gautam Gulatia (2020) a higher incidence of domestic violence was linked with actions adopted during the COVID-19 pandemic to reduce the infection. In addressing this issue, psychiatric services can play a key role by addressing certain risk factors for domestic violence, such as reliable identification and drug abuse management; providing support, advocacy and treatment for victims of domestic violence, and multi-organization support to reinvigorate health and social responses. At such a time, in order to address these urgent problems, it is essential to reinforce rather than deplete multi-disciplinary mental-health services.

Bukhovska Natalia (2016) The purpose of this article is to address the issue if women's legal and true positions have altered anyhow in the military wars. The most common instances of breaches of women's rights during current conflicts are presented and analyzed in order to accomplish this objective. Moreover, in order to look at all changes in that legal framework, the author analyses international laws aimed at protecting women in armed situations.

Perrin Nancy (2019) Primary prevention initiatives for gender-based violence (GBV) aim to promote change in addressing the fundamental causes and drivers of women's and girls' violence at population level. Social standards are communal expectations of acceptable actions, which are culturally and socially generated. Harmful societal standards that support GBV include the sexual cleanness of women, protection of the honor of the family above the safety of women and the punishment for women and children by males.

3. RESEARCH METHDOLOGY

The research aims to record changes in the registration of instances of violence against women after changes to policy levels particularly prior to 2013 and to compare the national situation for low- and high-prevalence violence against women. The purpose of the research was to compare the results from low and high prevalence of violence against women. The research is thus entirely comparative. It also examined the metamorphosis of the Nirbhaya event in Delhi after changes in policy. The study revealed the results of changes in policy levels. Therefore, it is also possible to say that after just research design, the study is one group. The objective of the study was also to identify the current situation, issues and changes in the policy, so that this study is solely subject to diagnostic research. The research was surveyed and was entirely quantitative.

4. DATA ANALYSIS

1. Protection of Women under the Constitution of India:

In their lives, women globally face many kinds of violence. This problem is dealt with from a human rights viewpoint. Almost every country worldwide condemns all kinds of discrimination and injustice between women and men. In the spirit of human rights across countries Uttar Pradesh (UP) has played a crucial role. The United Nations is a national platform for States to deal with important global problems. With regard to specific human rights abuses the national community under UP has made a lot of positive efforts. This effort, in the form of international agreements and treaties, directs Member States to act as a discriminatory act against domestic abuse. The commitments made under the treaties are binding and legally binding on Member States. The statements provide for the agreement on the progress of the accords. The Universal Declaration for Human Rights (UDHR) led to the achievement of two legal pacts: ICESCR and ICCPR, which were both approved in 1966 and entered into effect in 1976. "The International Covenant on Civil and Political Rights" (ICCPR). The agreements have played a key role in enhancing international basic legal protection and promotion of human rights. Due to grass rooted efforts by different groups, movements and NGOs across the globe, VAW's increasing prominence as a form of discrimination became significant. The international community became an issue via several UN initiatives. The statistical research carried out by the United Nations across the globe has shown that women are more susceptible to intimate partner violence among the many types of VAW than that perpetrated by an alien.

2. Crime against women and the Laws:

Banning domestic violence as a systematic type of Violence against women (VAW) is a developed rule in national legislation that is mainly a result of the UP violation of human rights. There begins with the basic rule that when it is a breach of national human rights, the States should have a responsibility to prevent and safeguard such a breach. Furthermore, it is based on another similar concept that the State's absence of aid for the victim should also come under the remit of state responsibility if the damage caused to the victim falls within the remit of international human rights. The United Nations indirectly forces States parties to execute legislation according to international standards by laying down criteria that define rights and associated responsibilities on the basis of

the principle of non-enforceable State compliance. 1962 by UP was an effort to address problems of women's position in marriage on the Convention on Consensus to marriage, minimum age for marriage, and marriage registration. The Convention says that both man and woman are entitled to equal rights both during and after marriage. It also emphasises the need for the parties to weddings to have free consent. The States Parties shall, without complying with this criterion, be invited to set the minimum age for weddings and marriages.

In adopting the 'battered women and family violence' resolution, the Second World Conference moves to take a further step in referring to family violence. Violence against women became more internationally known during the Third Global Conference. Ahead of the third conference, in 1984 a resolution against 'violence in the home' was adopted the UP Economic and Social Council. The next legislative intervention under international jurisprudence was based on this. Although not obligatory in nature, the resolution called for the States parties to pass civil and criminal laws that may also provide refuge for victims and called on the states to educate society to effectively reduce domestic abuse. This resolution, however, played an important role in bringing together an Expert Group on Family Abuse in 1986 that focus on various forms of unfavorable domestic violence for women.

According to Uttar Pradesh 1989 report on violence against women in the family was a milestone in international law jurisprudence. The study is important since it describes domestic violence as an issue that women across the globe confront, as a consequence of the gender imbalance in various cultures. It is regarded important. The study also examined the harmful effects of violence on women's health and stressed the necessity for international legislation to protect people in the family. This has brought to light a new dimension of international law that has subsequently become an issue of worldwide concern for violence against women in the family. Through the international judicial system, a question that was seen as 'private affair' 47 was placed. Human rights are often seen by the United Nations as international principles and thus global validity and application are underlined.

The results revealed that the intricate interaction between the causes of sexual assault in India had to be understood at many levels in society, affecting the behavior of individuals. It is thus essential to realize that there is no vacuum of sexual violence against women, but that it lies beneath a broader economic, political, and social framework, shown by the results. In India, women's movements have been working to enhance their rights, demonstrating for example improvements to the rape laws. This may be explained because nowadays, women or people in general are more criminally intolerant than before and thus report more. It may also be considered that women today have more bravery because of the women's movement or essentially that culture has changed, which makes it possible to view the old idea that violence is a part of daily life for women as it has changed. However, the results showed that, while women tolerate violence and consider it a part of life, it is still unwilling to report violence since it has been normalized in Indian culture. It is also important to stress that the normalization of violence may make it more harder to get or not the precise violence rate. Acceptance of violence regardless of whether it is evocative or more serious kinds of violence may still be seen as being subservient to women and not up against men in the context of the cultural construction of the sex roles. Nevertheless, although the number of violence reports in statistics increases, it is difficult to detect if real violence is on the rise. It should be emphasized additionally that the population of India has grown every year, which may potentially correspond with an increase in the number of crimes.

In addition, the findings in connection to anomie may also be interpreted differently. This may be seen as having altered previous standards and values for women to work from home in Indian, but can be viewed as it has led to even more uncertainty as the legislation on women with legislation still seems to be behind us. The violent laws on women, for example, still do not provide sufficient protection since certain violent actions do not constitute crimes under specific legislation, such as marital rape, which is not regarded as a crime under the rape statute. This thus provides an even greater room for uncertainty about what is proper if even legislation cannot follow and adapt according to 'modern' culture, the changes in conventional standards and values would be probably more harder. This makes women even more vulnerable and is regarded as a kind of disorder and instability across various areas of society, which may thus lead to sexual assault. This is a form of anomaly. On that basis, violence may also be viewed as being a result of insufficient legislation. Therefore, sexual violence against women may be seen as weak in connection to the process of "modernization" and may instead be associated more with the insufficient legislative framework for the protection of women. This in turn may be further explained by the fact that it is the Indian state that maintains the distinction between the sexes via the legal frameworks which in many instances benefits males and subordinate women. This also includes ideals and standards that affect people who are present in society and show how they behave. Even if numerous reforms have been made after independence in order to alter the position of women as stated in the results, for example equality before law and enhancement of domestic violence legislation, the application of these laws seems to be inadequate in reality.

Back in Durkheim, the idea of Indian society as a whole normless society would be overly simple since there are laws and regulations that govern society. We may thus utilize the Durkheim theory of anomia for some time and not in its whole. A broken social norm may arise, in Marks' interpretation of Durkheim, when sudden transitions take place, for example when fast technical changes take place within commerce and industry. It is hard to determine precisely when this happened in India. 49 social changes have lasted for a long time and maybe even for eternity, so this cannot be seen as a sudden shift leading to a total collapse of standards. Whether the full collapse of standards has occurred and leads to anomie may be viewed as disruptions within society leading to anomie that is probably more appropriate to India.

As this chapter "modernization" emphasized, women in India have had some inconsistent outcomes rather than all the good effects that many proponents of modernization theory highlight. On the one hand, women have easier and independent access and possibilities for education and jobs. The increased levels of literacy and knowledge of laws and human rights have also been shown to have a beneficial role in making more crimes reported (Trivedi, 2010:203). The "modernization" has therefore affected the growth of sexual assault reports in a favorable manner. On the other hand, a greater independence of women may have given some males a feeling of empowerment that can be seen to contribute towards the rise in violence against women. This was more closely connected to the concept of "male crisis" that uneasiness among males accompanies the social achievements of women, as shown in their results. The new norms and values for 'modernization' and labour division as a mechanism can, moreover, be said to place pressure and tension on gender relations and have led to a social disorder leading to a disruption to abnormal behavior, leading in this case to an increasing reported sexual violence against women. As a result, a more equitable society that falls under the concept of "modernization" must not imply a reduction in violence.

3. Laws relating to Crime against Women in U.K:

The Domestic Violence and Matrimonial Proceedings Act, 1976 was the main legislative move in the United Kingdom to deal with the problem clearly. The Act was mostly limited to civil redress rather than penalties that had a dissuasive effect. The disadvantages of the 1976 law prepared the way for the Domestic Court Act of 1978. The Act established lawful criminal interventions by the courts of the judge. These two laws have complemented the civil and criminal laws by giving justice to the victims. In addition to this there were supplementary remedies under the Matrimonial Home Act 1983, such as divorce, assault and intrusion. These three laws may thus be used by women victims and the choice of legislation at the time the lawsuit was filed relied on women's marital status. The remedies were mostly civil and relatively few orders were subject to criminal penalties. The report of the Law Commission on domestic violence and the family home occupation in 1992 led to civil redress changes. A new legislation in accordance with the Family Law Act, 1996, which provided adequate civil protection to victims and addressed issues connected to the occupancy of marriage homes, was abrogated by the Domestic Violence and Matrimonial Proceedings Act, 1976. This was a thorough remedy via Family Courts, High Courts, County Court and Family Courts. Two types of orders, namely non-molestation order⁸⁶ and occupancy decrees, were allowed for in Part IV of the Act. These orders may be obtained as an autonomous procedure. The employment order obtained by the applicant according to art. 33(3) of the Act not only conferred the right to occupy the house, but also to prevent the entrance of a respondent into the premises. This occupation order may be issued for an unlimited time or a period that may be decided by the Court⁸⁸. A former wife of 89 or a former partner may also apply in accordance with the Act for identical remedies. Therefore, for the protection of victims a well-built legal framework is established. In the majority of instances, however, the woman victim may not choose to occupy her intimate partner's place of abode. In such situations, a safe place to live must be given for the victims. The 1996 Housing (Homeless Persons) Act was enacted to help victims in such cases. Housing assistance must be given under this Act by public bodies or housing organizations.

If it is proved that the defendant is guilty of behavior as set forth in section 1 of the Act, the court shall be authorized to prevent a victim of harassment. The criticized behavior is generally characterized as a harassing behavior. This provides the judicial authority considerable flexibility to understand the same thing. In *Lau v. Nichols*, by establishing a legal concept, the court established the meaning of the phrase 'course of conduct.' In this instance, time and again he verbally insulted her on the street, the defendant was physically aggressive towards his girlfriend. The court ruled that when charging him for the offence, while these two events were of a non-similar character, there was a link between the two to build a 'conductivity course.' The word hate has thus been further developed such that the facts and circumstances of the case may be interpreted subjectively. The harassing offence is punished by not more than six months' imprisonment. The victim has also the right to legal remedies for real or apprehensive harassment. The remedies under this Act are not limited to orders to restrict the respondent, but also may compel the court to provide compensation for the harassment of the victim by the respondent⁹⁶. The law may also be used to seek damages for anxiety due to anticipated harassment. In 1999,

specialist domestic violence courts were created with a view to improving the safety and accountability of victims. This approach was created in awareness that training is a necessity for everyone dealing with instances of domestic abuse. Through constant monitoring of the functioning of these courts a professional system was created. These courts concentrate more on remedies for criminal justice. Research on the effectiveness of such courts has shown a better involvement of the victims and a successful public reliance in the system.

5. CONCLUSION

A short scale with high psychometric characteristics is presented in the research in order to assess changes in detrimental societal standards linked with the GBV. The Social Norms and Beliefs on the GBV scale is a 30-point scale in each of the two areas, "Resolution for sexual violence," "Protecting the honour of the family" and "The right of the husband to use violence" The scale of our knowledge is one of the first in which we have shown excellent factor structure, adequate internal cohesion and dependability, and the importance of the hypothetical variations between sex and setting are substantiated. In many humanitarian and global contexts, we urge and suggest that researchers use the GBV Scale Social Standards and Beliefs and gather parallel information on a wide variety of GBV outcomes. This allows us to further verify the scale by triangulating its results with GBV and perpetuation experiments and evaluating its generalization in other contexts.

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