

Violence against Women; A Humanistic Approach

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Abstract: *Violence against women has long been a problem in times of peace and war. It causes pain and suffering for the victims and their families and puts a heavy burden on the international community. Violence against women is a social problem based on the agreement between the rights of men and women. Two types of violence against women are physical and sexual abuse by intimate partners. Often, it happens in close relationships. The aim of this article is to conduct a critical analysis of violence against women. This article shall keep its prime focus on gender, discrimination, and punishment. Violence has many connotations, including physical, economic, and psychological, including stalking and pestering. This being a universal issue, it inflicts a great impact on victims' families and communities.*

Keywords: violence against women, gender discrimination, intimate partner abuse, psychological effects, international community

1. Introduction

The term violence against women is used to describe a wide range of acts, including murder, rape, sexual or physical assault, emotional abuse, stalking, prostitution, sexual harassment, and pornography. Violence against women is broadly defined as aggressive behaviour that adversely affects women.

Violence against women is an act of gender - based violence that causes or is likely to cause physical, sexual, or psychological harm or suffering to women, including threats of action, assistance, or deprivation of liberty, occurring in public or private life. It is understood as a desecration of human rights and a form of discrimination against women and refers to any gender - based violence that has occurred or will cause physical, sexual, psychological, or economic harm to women. Hate crimes have developed laws that increase penalties for certain particularly cruel situations that adversely affect women.

This article shall discuss the history of violence against women, gender - based violence, and other violent acts committed against women or girls shall strive to find ways to prevent it

- 1) History
- 2) Types
- 3) Ways to prevent

Violence against women is described as the most abusive behaviour by one individual against any other concerned in an intimate dating relationship. What constitutes domestic abuse may vary within extraordinary felony frameworks. Generally, any form of emotional, physical, or sexual abuse may be considered violence. It is a very sensitive social issue these days because of the large negative effects it has on the victims inflicted by men because of their physical advantage over them.

The main objective of this study is to identify the inequalities and discrimination against women in society. First, the knowledge of effective interventions to prevent gender - based violence remains minimal. Additionally, the action research shall focus on research data and legal analysis.

There are many laws, but few reforms are to be taken by the legislation to restrict this rule so that it will be beneficial to

society. The underlying causes of violence against women are equality and discrimination.

The primary objective behind this article is a social awakening for reducing and eliminating violence against women. Some constitutional rights protect discrimination under the Indian Penal Code. Do domestic violence and punishment provisions move beyond the context of whether gender should be mobilised as a hate crime?.

2. Chapters

Crime against women:

In today's world, women have created a special place for themselves. Women were respected in India even in ancient times. Vedas and Epics are equal for men and women. Women's rights are violated during treatment. Dowry systems, sati systems, and purdah systems reduced the status of women. Crimes against women after independence have a different message. This includes abortion, miscarriage, and even verbal abuse, torture, sexual harassment in the workplace, beating women, and rape.

The World Health Organisation created the World Report on Violence and Health (WRVH). Even in a developed society like ours, the statistics of women victims of violence are alarming. NCRB registers a case against a husband and relatives every nine minutes. The National Commission for Women has received numerous complaints on issues related to harassment and conflicts. Violence against women has dubious recognition by the international community. Even today, violence against women stems from men's inability to accept women as equals.

The UN Decade for Women's report contains a declaration that underscores major gender inequities around the world, focusing on the unequal distribution of income, property ownership, and the disproportionate number of hours that women labour. Despite making up half of all adults worldwide and making significant contributions to the labour force, the report contends that women still experience structural injustices. The numbers highlight the economic differences between men and women, with women accounting for two - thirds of all working hours but only getting a tenth of global income. Less than 1% of global

property is owned by women, which further highlights problems with property ownership and rights.

The finding that women in India face comparable inequalities is indicative of a global trend in gender inequality. The report suggests that the lack of physical power leads to general timidity in women. During the Middle Ages, cruel treatment was meted out to them. They followed the holy scriptures, in which they were told to get happiness through submissiveness. Women sacrificed everything, including their lives. The higher the sacrifice, the higher the salvation. It became a motto for women, but in reality, women rarely had an identity apart from that given to them as wives, mothers, and daughters. They tolerated torture and physical abuse in their own homes and were treated as slaves and idiots.

They were put under 'Purdah'. Owned no property. She was told to serve her husband and in - laws. She was to call her husband 'swami' and she '*dasi*'. In literature, women became a tool to relish sex. The pitiable condition continued in the Muslim and early British periods.

The cruelties include infanticide, child marriage, bigamy, sati, abduction, and various other physical and mental cruelties that impregnated the atmosphere. Social reformers like Raja Ram Mohan Roy, Swami Dayanad, Swami Vivekananda, and others took up the cause of women, and several laws were enacted to improve the position of women.

The crimes against women may be enumerated as:

Physical torture:

- Under the guise of directing congenital abnormalities, the female foetus is aborted after sex determination. If it is found that it is a female child, the pregnancy is terminated. It has become quite popular, and several open advertisements to the effect can be seen in newspapers and magazines. Thus, the birth rate of women is decreasing. There should be some law against this.
- Neglect, starvation, lack of immunisation, no medical service, and malnutrition of female children.
- Infanticide - despite laws, it is still prevailing.
- Eve - teasing.
- Molestation.
- Abduction and kidnapping.
- Wife beating, wrongful confinement.
- Fraudulent marriage
- Adultery - enticement of married women
- Rape
- Outraging the modesty of women
- Prostitution
- Indecent representation of women

The rise in the rate of crime against women has been reported in all types of crimes - ranging from eve teasing to abductions and killings. The number of registered cases has also gone up alarmingly in the past few years. Although the actual number of cases reported is much greater than the recorded ones,

Mental cruelties:

- Discrimination in male and female child
- Married women are barred from employment in several organisations.
- Females generally have no say in their marriage.
- There are no equal remunerations.
- Wife has no title in her husband's or in - law's property or home.
- The dowry menaces.
- Discrimination under laws.
- In Christian law, the ground for divorce for a man is adultery, while a woman has to prove 'incestuous' adultery or adultery coupled with another matrimonial offence.
- A woman is not a natural guardian of her children.
- There is no community of property.
- Hindu women are not entitled by birth to a share in the co - parcel property, nor can they ask for a share in ancestral property. Daya Bhaga does not recognise the Role of survivorship.
- Generally, the factor wills away the property to the sons, and the daughters do not get any right of inheritance. The father should not be allowed to will away the share of the daughter.
- Applications cannot be filled out under the Hindu Marriage Act where the wife lives.
- Muslim inheritance law gives a half share to a daughter, and the Parsi law doubles the share to a male.
- Custody of children
- Discrimination in employment.
- The law of maintenance is unjust and cumbersome; a wife has no right to the property of her husband, even if it was built with her efforts or contribution. An application for maintenance and alimony under Sections 24 and 26 of the Hindu Marriage Act can be filed only in pending proceedings at the time of passing the degree or subsequent thereto. If a wife wants to file an application for maintenance, she cannot do so. Under Section 18 of the Hindu Adoption and Maintenance Act, on an application, the wife was asked to pay an ad - valorem court fee, which she was unable to do so. Under section 125 of the penal code, the amount of maintenance in proceeding is inadequate. It should be available to a woman from the moment she was deserted or thrown out and from the date of application. The 15 per cent test of the husband is not just fair and reasonable. Further, the maintenance should be deducted at the source immediately. How can a woman go to court and wait years for maintenance? If the law of bigamy is enforceable against a government employee, why can't it be applied to the husband's primary source of income? The wife should be able to file an application u/s.19 of the hindu marriage act at the place where she lives, the law should be amended thereto.
- The personal laws relating to Christians and Muslims should be changed wherever there is discrimination.

As per the guidelines for the treatment of women in prisons, action should be taken. No woman shall be kept in prison without an order from the court. Recently, the Supreme Court has laid guidelines for the treatment of women in prisons, some of whom were in prisons in the state of Bihar,

not because they had committed crimes but because they were needed to give evidence in cases in which they were victims of crime. A committee formed by the government gave its report on prisons, and one can imagine the fate of women as prisoners.

Need for measures:

Some preventive measures are necessary to prevent the authorities from targeting women. These may be -

(i) Socially redefining violence:

We have to redefine the concept of violence against women. It means seeing crimes like rape, abduction, wife beating, dowry death, and murder as acts of violence motivated by power and authority. Women have to say things publicly that they would not have said before.

(ii) Strengthening up the women's organisations:

The voice of a single woman does not carry weight. If a group of women of like - minded views join together, form an organisation, and raise their voice against the suffering of women, they can make an impact. The social norms can be attached by the organisation only. The organisations should create awareness among women to struggle against their oppression and to fight those who exploit, humiliate, and torture women.

(iii) The humanistic approach:

It is necessary to develop a humanistic approach to the victims of crimes against women. These may include rethinking roles, rehabilitating victims and evaluating the organisational procedures of police, courts, rescue homes, etc.

(iv) Change in the criminal justice system:

There should be a change in the attitudes and values of judicial officials, the establishment of family courts, and a change in police attitude. Re - orientation of magistrates is necessary. Instead of raising technical points and acquitting the accused, the circumstantial evidence should be given importance.

(v) Role of police:

The Role of the police is to uncover law violations and bring to justice those who threaten the social order. It is up to them to identify an act as a crime. The Role of the police is vital as far as cases concerning cruelties against women are concerned. Each case must be registered and investigated by the police, followed by the filing of challans in court. The Role of the police has been very poor in this regard.

(vi) Formation of specific institutions:

Specific institutions, e. g., independents, anti - discrimination boards to look into dowry complaints, anti - discrimination boards, and equal opportunity commissions, will have to be set up to implement the laws once enacted, with power to

- Investigations into specific complaints of discrimination on any ground, be it sex, community, class, or religion,.
- Do research into discriminatory laws, customs, and practices.
- Suggest detailed amendments to these laws and give your findings on customary and factual discrimination.

- Give its decisions on specific cases that will have binding force, subject to appeals as form tribunals.

Action and implementation centres at grassroots levels are of great importance, as these centres will act as complaint/education /execution and clearing centres.

(vii) Role of lawyers:

Sensitive lawyers can play a significant role in achieving equal legal status for women in India. They must challenge the discrimination. The lawyers work for the disadvantaged section of society and aim to obtain relief for them. Beginning while women are viewed as second - class citizens as sexual objects.

Women are regarded as vulnerable sections of society, and despite their importance and the special care and protection they needed, they were left to be neglected and exploited. Women contribute significantly to the family's income and do almost all the household activities. But these are not recognised in our male - dominated societies, which ultimately leads people to become victims of gender bias. The statues of a girl child are still to be recognised, and we see numerous female fetuses being destroyed in our country. A major chunk of women are deprived of the basic necessities of life and are considered a neglected segment of society. They have become victims of the social setup, and sex - based discrimination continues to dominate society, thereby depriving them of all sources of facilities.

The future of development and society lies in the future of women, equally with men. Never has it been more apparent that women's issues cannot be compartmentalised as isolated secondary issues in development. One more stark reality is that women not only form a major section of society but also hold greater responsibilities than men in many aspects of life. Moreover, they are directly related to those factors of population change that affect the quality of life. Age at marriage, childbearing and child - rearing, gender discrimination, health and nutrition, fertility and mortality (infant and female), economic profile, housing, education, religion, sexual behaviour, migration, employment, politics, social and cultural life, environmental consciousness, and several other facts of life directly involved women. Low levels of literacy, skills, and income - earning capabilities have led to the subjugation of women in society for centuries.

The biological function of childbearing, rearing, and performance of other domestic chores came to be considered the less intelligent and repetitive tasks meant for women and became a thankless job. Their contribution as homemakers' was wholly overlooked. This resulted in various malpractices against women. Female infanticide, foeticide, demand for dowry, and subjecting women to physical violence both within the home and in society are, to cite, a few instances.

In the words of Swami Vivekananda, "it is impossible to think about the welfare of the world unless the condition of women is improved. a bird can't fly with only one wing".

The above - quoted notation reveals the mighty strength that lies behind the women of the world nations. True, the level of civilisation that any society has reached can be measured by the degree of freedom, respect and Role given to women. In fact, the status of women is a test of civilisation.

The modern and independent India, realising the inequality and discrimination against women, has incorporated in the constitution, the law of the land, several provisional laws which unequivocally declare that there should be no discrimination against women and specific provisions ought to be laid down for their upliftment. Family laws have been amended, new provisions have been incorporated in our criminal laws, labour and industrial laws have appropriately placed women, giving priority to their welfare measures, and several other social welfare legislations to protect the dignity of women have been enacted. The judiciary is also placing women in high places and coming out with landmark decisions to protect the interest of women, thereby adopting a soft approach towards the various problems they face in society. The administrative machinery is also fully geared to cope with problems relating to women, and any violation of their rights is strongly dealt with. At the national level, two institutions, namely the National Commission, are working to protect women's human rights.

3. Objectives of the Study

The study's main objective is to realise the inequality and discrimination against women in the society. To study various constitutional provisions and legislative enactments which unequivocally declare that women should be treated at par with men at all walks of life and there should be no discrimination. Various legislations specifically directed towards women and their protection, keeping in mind the various needs and facilities they require for their upliftment. Lastly, the Role of women at home or at work.

The India

The constitution is a written document that guides the destiny of the world's largest sovereign socialist, secular democratic Republic. It is one of the youngest basic legal documents and also the largest. It is the first foremost protector of fundamental rights with a detailed agenda for people's welfare.

People of India (both men and women) adopt, enact and give the constitution of India to themselves.

In India, male domination with a complimentary suppression of women has been continuing since prehistoric times. There has been discrimination between the male and female child, between men and women. Women are considered good and chattel. They are considered as subjects of sense gratification.

The Indian Constitution is a guiding document for the world's largest democratic Republic. The media should also be important in making people aware of the laws. The police should be ready to cooperate. We hope that in the future, the crimes against women will be reduced greatly and finally disappear. The law should be enforced, which would act. as a deterrent against the practice of crime against women.

NGOs and other women's organisations should also work for the emancipation of the victims of the practice. Young men should make it a point to challenge the system and repeal it/ We as citizens of an independent nation marching towards the new millennium should also strive for the abolition of this evil practice.

4. Conclusion

Breaking the cycle of abuse requires collaboration between government and non - government actors, including healthcare, authorities, legislators, judiciary, and mass media. A multi - agency team with access to psychological support should deliver care under one roof, while schools and colleges implement prevention programs to raise awareness about women's rights. Let's break the silence and raise our voices against discrimination, the root cause of violence against women.

References

- [1] Maher (<https://doi.org/10.1080>) punishing gender violence as Hate crime
- [2] Krantz (<http://dx.doi.org>) violence against women
- [3] MCptai (<https://www.stor.org/stable126636323>) Trauma violence and abuse Vol - 3 No.2 (2002)
- [4] Herklotz (2007) (<https://doi.org/10.1080>) law, religion and gender equality.
- [5] Latha (<http://doi.org/10.117711>) Dowry and dowry death.
- [6] Fernandez Domestic violence extended family members in India.
- [7] Hind Rise Gender based violence
- [8] Bohra (2015) Violence against women
- [9] Mangalic Gender equality under Indian Constitution.
- [10] Wair (Crime against women in India)