

# HUMAN RIGHTS AND WOMEN OF INDIA-A STUDY

## 1. Bashir Ahmad Sheikh

.Ph D Research Scholar (Political Science), Barkatullah University, Bhopal (M.P.)

Research Center:- Govt. Hamidia Arts and Commerce college Bhopal (M.P.), India.

## 2. Dr. Sona Shukla D. Litt

Professor of political Scienc, Govt. Hamidia Arts and Commerce college, Bhopal (M.P.)

### ABSTRACT

Women, a grandmother, a mother, a wife, a girl, overall woman is a key of a family. World can never be complete without a woman. Law is the set of rules enforced to govern the behavior of people. From the beginning of this world women is treated as a weaker section of the society and they are the victims of the crimes like rape, eve teasing, female infanticide, dowry, domestic violence, child marriage and acid throwing. They were only allowed to live beneath the shoes of their husbands and fathers. Laws are being made to secure the lives of the women from the violence of their families and societies, and to provide them with their rights of which they are the owners. This paper covers the aspect of women from past history to the present world. It shows how the law of our country has contributed its best to change the lives of women, to make them live with dignity and respect not as a slave. United Nation in its Millennium Summit in 2000 declared 'Gender Equality and Women Empowerment' as one among the eight 'Millennium Development Goal' to be achieved by the year 2015. However these goals are far from being realized in a country like India.

**Keywords:** Legal status, Women rights, Domestic violence, Child marriage, Dowry, Empowerment, Illiteracy, Unemployment.

### I. INTRODUCTION

Women's rights may or may not be institutionalized, ignored or suppressed by law, local custom, and behavior in a particular society. Issues commonly associated with notions of women's rights include, though are not limited to, the right: to bodily integrity and autonomy; to vote; to hold public office; to work, to fair wages or to equal pay; to own property; to education, to serve in the military or be conscripted; to enter into legal contracts, and to have martial, parental and religious rights. Women and their supporters have campaigned and in some places continue to campaign for the same for the same rights as men.

The term women's rights refers to the freedom inherently possessed by women and girls of all ages, which may be institutionalized, ignored or suppressed by law, custom, and behavior in a particular society. These liberties are grouped together and differentiated from broader notions of human rights because they often differ from the freedoms inherently possessed by or recognized men and women, and because activism surrounding this issue claims an inherent historical and traditional bias against the rights of exercised by women.

Independence of India heralded the introduction of laws relating to women. The constitution provided equality to men and women and also gave special protection to women to realize their interests effectively. Special laws were enacted to prevent indecent representation of women in the media and sexual harassment in workplaces. The law also gives women equal rights in the matter of adoption, maternity benefits, equal pay, good working conditions etc. At the international level, the UN Charter, the Universal Declaration of Human Rights and Convention on Eliminations of All form of Discrimination against Women (CEDAW) in 1979, sought to guarantee better legal status to women.

Legally a female is known as a woman after she has passed through her childhood and adolescence, i.e. basically after crossing the teenage a girl is a woman. Government of India has made several laws to provide equal status to women in our country and secure their lives from various violence and crimes.

## II. METHODOLOGY

In the present study mostly secondary data have been used. In addition to this, data have also been collected from various journals, articles, newspaper, and books. This paper is also based on the referred sources – published, unpublished and electronic.

## III. DIAGRAMMING OF VIOLATIONS OF WOMEN'S RIGHTS

The areas that violate the rights of women in India have been stated as follows: (Saryal, 2014).

**3.1 Missing of Women and Girls**—In many developing countries, the idiom of “missing women” has been used, when it was found, the proportion of women as compared to men is low in population. In many states of India, women and girls go missing. One of the main reasons that lead to their missing is trafficking. When girls are trafficked, they are severely exploited and are deprived of food and other basic necessities. The girls belonging to the poor families are sold by the brokers to men in northern India, where the problem of imbalanced gender ratio is much apparent. Besides, there have been cases of women, who go missing from their marital homes. The occurrence of violent and criminal acts against women within the house and outside, primarily lead to their absence.

**3.2 Dowry deaths:** In India the unusual dowry deaths of the women at their matrimonial home has been increasing at a startling rate. Dowry disputes are quite a serious problem. The National Crime Records Bureau in India in its report had disclosed that in 2012 around 8233 newly wedded brides were killed for dowry<sup>2</sup>. Now India reports the highest total number of dowry deaths with 8391(March 2019) “The role of husband’s reaction to dowry brought at the time of *International Research Journal of Social* marriage on subsequent experience of marital violence. The substantially reduced risk of experiencing physical and sexual violence among women whose husbands were satisfied with the dowry reflects the strong influence of dowry in determining women’s position within the household”<sup>3</sup>. In spite of the fact that Section 498A of the Indian Penal code strongly deals with the person responsible for marital cruelty and has declared taking and giving of dowry as a crime it is still been widely practised in India. Infact ‘The Dowry Prohibition Act’ has not been adequately put into operation in India. It has been discovered that mostly a number of states neither have a Dowry Prohibition Officers nor do they made it obligatory to keep the record of things given and received.

**3.3 Domestic Violence**—There has been prevalence of domestic violence in India, in spite of the Protection of Women from Domestic Violence Act, 2005. Domestic violence is, when a woman experiences violent and criminal acts at the hands of their husbands, in-laws, fathers, brothers or other family members. These include verbal abuse, physical abuse, and inflicting various forms of mistreatment. There are numerous reasons for women experiencing domestic violence within their marital homes, these are inability to carry out the household tasks in an appropriate manner, financial problems, desire for a male child, unawareness and illiteracy on the part of women, experiencing problems in meeting essential needs and requirements, health problems and feelings of antagonism and resentment.

**3.4 Sati** – Sati is a practice, when the widows were placed in the funeral pyres of their husbands. This practice was abolished by the social reformer Raja Ram Mohan Roy in 1829. It continues to prevail in the post-colonial India. The Sati Prevention Act was passed which declared the practice of Sati as a crime for which death penalty can also be given to the perpetrators. The act also declared that the veneration of Sati by erecting a temple and worshipping of the deceased women as a God is also prohibited. However, certain sections of individuals perceives this law as intervention in their right to practice the dictates of their religion.

**3.5 Child Marriage** –Child marriage is the marriage of girls when girls are below 18 years of age and when boys are below 21 years of age. Child marriage is regarded as a practice that deprives the girls of their childhood. They experience problems in the acquisition of education, getting enrolled in school, taking pleasure in other childhood activities and in enhancing their skills and abilities. It also effects the social, psychological and emotional development of the child in a negative way. When girl children experience domestic violence within their marital homes, they feel vulnerable and apprehensive. Child Marriage Act 2006, prohibits child marriage and declares 18 as the marriageable age for girls and 21 for boys.

**3.6 Preference for a Male Child** :- The preference for a son is a phenomenon which is historically rooted in the patriarchal system of the Indian society. The strong preference for having a son emerged with the transition of the Indian society from primitive stage which used to be primarily a matrilineal to feudal stage where agriculture emerged as the primary established occupation of the people to be controlled by the male. The concept of private property emerged and the land began to be divided among the families. The families having control over the larger part of land were seen with pride. Thus, in such a patriarchal landowning society the sons were seen as the major contributor to the family workforce than a girl. The desires for a son often have an adverse effect on the health of the mother also. All these issues gradually led to the neglect of the female child who are often relegated to the background even in the present day Indian society.

**3.7 Female Foeticide and Female Infanticide** –Female foeticide is referred to the assassination of the girl baby, before she is born and female infanticide is assassination of the girl child, after she is born. These practices reject the basic right from the girl child, i.e. the right to live. There have been communities of individuals, who have a strong preference for the male children. They obsessed this viewpoint that families with male children were seen with pride, when they have control over the larger part of land. They regarded females as liabilities, who would not produce any wealth for their families.

**3.8 Women and Education:-** The education of women in India plays a significant role in improving living standards in the country. A higher women literacy rate improves the quality of life both at home and outside the home, by encouraging and promoting education of children, especially female children, and in reducing the infant mortality rate. Several studies have shown that a lower level of women literacy rates results in higher levels of fertility and infant mortality, poorer nutrition, lower earning potential and the lack of an ability to make decisions within a household. Women's lower educational level is also shown to adversely affect the health and living conditions of children. A survey that was conducted in India showed results which support the fact that infant mortality rate was inversely related to female literacy rate and educational level. The survey also suggests a correlation between education and economic growth.

In India, it was found that there is a large disparity between female literacy rates in different states. For example, while Kerala actually has a female literacy rate of about 86 percent, Bihar and Uttar Pradesh have female literacy rates around 55- 60 percent. These values are further correlated with health levels of the Indians, where it was found that Kerala was the state with the lowest infant mortality rate while Bihar and Uttar Pradesh are the states with the lowest life expectancies in India. Furthermore, the disparity of female literacy rates across rural and urban areas is also significant in India. Out of the 24 states in India, 6 of them have female literacy rates of below 60 percent. The rural state Rajasthan has a female literacy rate of less than 12 percent.

In India, higher education is defined as the education of an age group between 18 and 24, and is largely funded by the government. Despite women making up 24-50% of higher education enrollment, there is still a gender imbalance within higher education. Only one third of science students and 7% of engineering students are women. In comparison however, over half the students studying education are women. The number of literate women among the female population of India was between 2-6% from the British Raj onwards to the formation of the Republic of India in 1947. Concerted efforts led to improvement from 15.3% in 1961 to 28.5% in 1981. By 2001 literacy for women had exceeded 50% of the overall female population, though these statistics were still very low compared to world standards and even male literacy within India. Recently the Indian government has launched Saakshar Bharat Mission for Female Literacy. This mission aims to bring down female illiteracy by half of its present level.

**3.9 Forced Evictions and Exclusions** –In India, widows are expelled from their marital homes and they are meant to look after their needs and requirements on their own, after the death of their husbands. Their children to get evicted along with them. Women headed households and women in general are less secure as compared to men. When a woman loses her spouse, there are various types of detrimental consequences that they are supposed to go through. When they are evicted from homes, they are required to face all hardships and difficulties in order to provide for their sustenance. A single woman, with no land or family to take care of, often ends up in an urban slum.

**3.10 Sexual Harassment at the Workplace** –The occurrence of sexual harassment at the workplace is considered as the most detrimental problem that impose barriers within the course of their progression. In India, women are discriminated against in terms of pay and remuneration for their jobs. This is a fact for both urban and rural areas, they are mistreated in concerns of promotion and advancement within the employment setting. Women entrepreneurs often have to deal with more problems in obtaining finances and resources to commence any kind of business. Sexual harassment at the workplace hampers the psychological approach of a woman. She even gets compelled to leave her job, even though she is not financially strong and is in need of a job.

**3.11 Rape** - In India, there has been a significant increase in the numbers of rape cases in the past 10 years. Rape normally takes place out of animosity, enmity, resentment or any other reason. According to the National Crime Records Bureau, in 2012, about 24923, rape cases were reported. In India, within the rural areas, particularly in Northern India, the upper caste people use mass rapes as a strategy to exercise power over the members of the lower caste groups. The vicious gang rape case in Delhi in December, 2012 had led to the passage of a stricter Law i.e. The Criminal Law (Amendment) Act 2013 to deal with the rape cases within the country.

**3.12 Societal Violence against Women** - The communities and the societies in India in most of the places are bound up with the patriarchal normative structure. In these types of societies, it becomes difficult

for women to establish their position and obtain justice. The religious communities, village communities or the artificial communities like professional bodies are barely epitome of equality between men and women. Quite often the religious communities have made the life of women miserable by forcing them to adopt conservative practices that would lead to negative effects. With the prevalence of societal violence, women usually get confined within their homes and become isolated from the outside world. They are required to curb their communications with the members of the society.

#### IV. HINDRANCES FOR WOMEN'S

**4.1 Poverty** – Poverty is a condition, when the individuals experience scarcity of resources, due to which they are unable to satisfy their needs and requirements. In 2005, it has been estimated that 76% of the population lived under the poverty line of USD two per day, and that 42% had to make ends meet with an income below USD 1.25 per day. The poverty gap remains comparatively large. In and through the nationwide liberalisation process, seven states with the lowest incomes are lagging behind. In 2006, India ranked 132nd on the human development index (HDI), six places below its GDP per capita rank (Klaveren, Tijdens, Hughie-Williams, & Martin, 2010). The conditions of poverty and backwardness are the major impediments within the course of recognition and practicing of rights.

**4.2 Illiteracy** – When the girls are discouraged to study and the acquisition of education is not given recognition with regards to girls and women, then it is a major barrier within the course of exercising rights. Illiteracy imposes numerous disadvantages for the individuals. Through illiteracy, one usually remains unaware regarding how to sustain their living conditions in an effective way. They are not able to generate awareness regarding important areas, they remain uninformative and experience problems in carrying out all important activities of life. Unawareness and lack of knowledge and information does not enable individuals to recognize their rights and they remain secluded. This is particularly true with respect to rural areas. When the individuals migrate to urban areas in search for a better livelihood, then usually they are able to recognize their rights.

**4.3 Unemployment** –Every individual desires to obtain employment or some means to generate income. The individuals, who are poverty stricken and belong to deprived and marginalized communities, usually feel that unemployment and lack of resources are the major barriers within the course of exercising rights. On the other hand, educated and literate individuals, when they experience problems in finding employment, they become depressed and frustrated. A depressed and a frustrated person will not take pleasure in exercising his rights. When they do not have a source of income, they are not able to sustain their living conditions. Aspects such as, housing, health, diet and nutrition, education and so forth remain unfulfilled. A woman, who is well educated or is literate, when she does not have employment opportunities available, she is concerned and sometimes does not acknowledge rights.

## V. STRATEGIES OF WOMEN'S EMPOWERMENT IN INDIA

The women in India are positioned at a receiving end primarily because they have remained ignorant of their fundamental civil and constitutional rights. Patriarchal system impinges on every sphere of a woman's life. In such a situation often a majority of them are forced to accept the traditional practices that are detrimental for both their and their children's development. Although women have acquired a level of financial and political autonomy and consciousness about their rights, yet they experience helplessness in bringing about basic changes for eliminating gender inequalities from the society.

The National Commission for Women have taken up the cudgels for women's right and have vociferously demanded a separate criminal code for women and enhanced punishment for offences against women. The proposal for creating a separate criminal code for women was designed to provide quick justice to the aggrieved women and speed up the conviction rate. However, this proposal failed to garner support among the government and have been shelved. A multi-layered strategy need to be developed to assess the core causes of violence against women. The state and society must provide instantaneous support to victim-survivors to ensure that the victims can carry on with their daily life. In dealing with the problem of violence against women innovative levels of coordination and integration must be built up between government, civil society and the family. The state occupies a central position in initiating positive policies to end discrimination against women. In India it was state which initiated the first reform measure when after lot of debate it reformed the Hindu Succession Act in 1956 in which women were given equal right to inheritance. Continuous extensive unconditional financial as well as emotional assistance must be provided to the women by both the formal set-up of the state like legal system, police, medical and health care sectors etc, as well as from the informal networks such as family, friends, fellow citizens, and local community groups. The idea of self reliant independent women taking independent decisions of her life can be achieved only by educating women that will help them in achieving economic independence, as well as knowledge and awareness about their rights. Special emphasis must be provided in educating women on the legal and Human rights provided to them by the constitution. A well known feminist writer Martha Nussbaum argued that the key to development of women is to provide them with the cover of justice. The subsequent official organization under state that deals with the victimized women in India is the Police. Often the crimes against the women go unregistered because of the insensitive nature of the police in handling those issues. Therefore formal Training and gender sensitization of police a must be done so that there is no consequential oppression of women at their hands. The judiciary which is responsible for providing justice to the aggrieved women should also be sensitized on gender issues. The awareness of judges and the advocates on the sensitive gender issues is possible only if they are taught about them in law schools.

The women's organizations must try to empower women by changing the attitudes of the society towards the harmful traditional practices. One of the most vital tasks of the various women organizations and NGOs is to help women in rebuilding their lives and confidence. These goals can be achieved only if the women are

adequately educated about their legal rights and are economically independent enough to take independent decisions of their own life. Such programmes if done within shelter homes can provide both counselling and a connection among the women's who were victimised. Violence against women can be curtailed only when cultural norms and attitudes towards the women can be changed for which change should be made in the school curriculum. Curriculum that educates the students at the school, college and university level on issues like human rights and gender issues should be included in their study material. "Curriculum reform that works towards eliminating the gender stereotyping inschools (teaching about women's contributions in history class, eliminating sex stereotypes in textbooks, promoting girls participation in sports) are important steps in achieving gender equality". The violence against the women in India is often supported and perpetuated by the indigenous cultures and the religious leaders. Therefore the indigenous communities must try to put up mechanisms and strategies that eliminate such age old ruthless practices against the women. The religious leaders and researchers must review the sacred manuscripts and doctrines with an idea of to encourage egalitarianism and self-respect for women.

## VI. CONCLUSION:

To conclude I would like to say that personally I feel that equal rights should be awarded to women who have already been enjoyed by men in our society as women forms a major part of Indian population and for social and economic welfare on global platform women welfare is very much needed. Indian women has come a long way and prove that she is capable of doing anything and equal partner in the growth and prosperity of the nation. Women are one of the pillars of the society and it would be very difficult to imagine society without the presence of women. Thus in short, the Millennium Development Goal on gender equality and women's empowerment can be realised in India only when the traditional practices like female infanticide, dowry deaths, honour killings by khap panchayats, domestic violence, or sexual abuse is eliminated. It is only then that gender equality and women's empowerment can become a reality. In the present existence, with the impact of modernization and use of innovative methods, the rights of women have been acknowledged. Girls and women from all categories and backgrounds are being enrolled in educational institutions. Education enables a person to differentiate between appropriate and inappropriate, learn to make wise decisions, work towards the welfare of the community and exercise rights in an efficient manner.

## BIBLIOGRAPHY

- Savita Bhatt, Women and Human Rights, Alter Publishing House, New Delhi, 2010, pp. 1-2.
- Aswal, B. S., Women and Human Rights, Cyber tech Publication, New Delhi, 2010,p.1.
- Kishwar Madhu, Where daughters are unwanted, Manushi, **86**, 15-22 (1995)
- Saryal, S. (2014). Women's Rights in India: Problems and Prospects. *International Research Journal of Social Sciences*, 3(7), 49-53. Retrieved October 02, 2017 from



- <http://www.isca.in/IJSS/Archive/v3/i7/9.ISCA-IRJSS-2014-84.pdf>
- Thukral, E.G., & Ali, B. (n.d.). Child Marriage in India: Achievements, Gaps and Challenges.
  - Retrieved October 02, 2017 from <http://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/HAQCentreForChildRights1.pdf>
- Women's Rights are Human Rights. (2014). United Nations. Retrieved October 02, 2017
  - from <http://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf>
- Women's health and human rights: Monitoring the implementation of CEDAW. (2007).
  - World Health Organization. Retrieved October 02, 2017 from
  - [http://apps.who.int/iris/bitstream/10665/43606/1/9789241595100\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/43606/1/9789241595100_eng.pdf)
  
- Mihra Sweta, Women and 73rd Constitutional Amendment Act: A Critical Appraisal, *Social Action*, **44**, 16-30 (1997)
- Narayan Shashi S., Gender Equality through reservation in decision making bodies, *Social Action*, **48**, 148 (1998)
- Kishwar Madhu, Off the beaten Track: Rethinking Gender Justice for Indian Women, OUP, New Delhi, 200-205, (1999)
- Menon, Nivedita(ed) Gender and Politics in India, OUP, New Delhi, 455-460, (1999)
- Agnes, Flavia Law and Gender Inequality: The Politics of Women's Rights in India, OUP, New Delhi, 127-128 (1999); [www.anna.iwate-pu.ac.jp](http://www.anna.iwate-pu.ac.jp)
- Chatterji Angana, Women in search of human equality, *Social Action*, **40**, 46-56 (1990)
- Sivaramayya B., Status of Women and Social Change, *Journal of Indian Law Institute*, **25**, 270 (1983)