A Study on Women's Rights in India: Problems and Prospects

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Abstract:

Gender equality and women's empowerment was identified by the United Nations in 2000 at its Millennium Summit as one of the eight "Millennium Development Goals" that needed to be accomplished by the year 2015. Nevertheless, in a nation like India, these objectives are far from being accomplished. Not to mention the issue of gender parity, Indian women are frequently denied their basic right to dignity. This study examines the inherently patriarchal issues at the heart of women's rights in India. The essay makes an effort to address the few issues that Indian women face, such as the dowry, female feticide, loss of inheritance rights, and the sale and trafficking of girls, among other issues. The paper's goal is to develop solutions for universally empowering women.

Keywords: Women's, Rights, Problems, Prospects, Empowerment, Challenges.

Introduction:

The bourgeois democratic revolutions of the 17th and 18th centuries, which excluded women from their conception of equality, were the main reason why women became a separate interest group in the 19th century. The basis for this distinction was gender. Since then, women have fought for the acknowledgement of their human rights as a collective. Women play multiple roles in society, including supporting their families financially, taking care of their needs as mothers, wives, daughters, and contributors to the community. Despite having made an equal contribution to the nation's progress as their male counterparts, women still face a variety of obstacles that prevent them from realizing their full potential.

In light of these circumstances, governments everywhere felt compelled to give women's interests and involvement in the development process top priority. One of the main themes of the Millennium Development Goals is women as a primary category of concern. The eight goals known as the Millennium Development Goals were established by the United Nations in 2000 and will serve as a benchmark for tracking progress towards ending world poverty. One of the Millennium Development Goals, according to the UN, is "Gender Equality and Women Empowerment," and it must be accomplished by 2015. The ability of women to make all significant life decisions on their own is implied by the term "women's empowerment."

Nevertheless, in a nation like India, these objectives are far from being accomplished. In actuality, women in India frequently lack their basic right to dignity, to say nothing of the issue of gender equality. This study examines the inherently patriarchal issues at the heart of women's rights in India. The essay makes an effort to address the few issues that Indian women deal with, such as the dowry, female feticide, inheritance denial, selling and trafficking of females, etc. The paper's goal is to provide tactics for empowering women who are just as human as males. There are four sections to the paper. The places where women's human rights are violated in India are listed in section I. The measures made by the Indian constitution to safeguard the human rights of women are the subject of Section II. The tactics developed by the government and civil society to empower women in India are the subject of Section III.

Objective: The objective of the paper is as follows:

- To study the constitutional provisions for women's rights in India
- To explore the context of violation of women's rights and measure of resolutions.

Discussion and Analysis:

Mapping India's Violations of Women's Rights

A variety of areas in which women's human rights are violated in India are listed in this section.

Girl child missing: Prof. Amartya Sen1 coined the phrase "missing women" when he demonstrated that the percentage of women in the population relative to men is remarkably low in many emerging nations. One of the primary causes of women and girls becoming "missing" in several Indian states is the unequal sex ratio. In Northern India, where the issue of an unequal sex ratio is particularly prominent, girls from low-income families in India are auctioned off by brokers to men.

Dowry deaths: Unusual dowry deaths of women within their married house have been occurring in India at an alarming pace. Dowry disputes represent a significant issue. According to a study by the Indian National Crime Records Bureau, 8233 newlywed brides were murdered in 2012 to obtain dowries. "The impact of a husband's response to the dowry given during marriage on the occurrence of domestic abuse in the future. The significant impact of dowry in shaping women's status within the family is seen in the significantly lower probability of physical and sexual assault among women whose husbands were satisfied with the dowry.

Even though the Indian Penal Code's Section 498A makes taking and giving dowries illegal and harshly punishes those who commit marital cruelty, dowry-giving and taking remain common practices in India. In actuality, India has not implemented "The Dowry Prohibition Act" sufficiently. It has been found that the majority of states do not have dower prohibition officers or have laws requiring the keeping of records of gifts and receipts.

Domestic Violence: Despite the "Protection of Women from Domestic Violence Act 2005" being in place in India, domestic violence is still a significant issue.Indian society is patriarchal, which encourages violence at home, and this is one of the main causes of domestic aggressiveness. Apart from this, additional variables that contribute to domestic violence in India include a husband's alcoholism, the desire for inheritances, or having a male child. Domestic violence manifested as physical and psychological abuse of women, including striking, slapping, and humiliation in public. The Indian Penal Code, Section 498 A, prohibits cruelty and the Dowry Prohibition Act of 19834 all state that beating a woman in her conjugal home is a chargeable act that is not subject to bail and carries a maximum punishment of three years in prison.

Sati: Even though social reformer Raja Rammohan Roy forbade the practice of Sati, which is the act of placing widows on their spouses' funeral pyres, this tradition persisted in post-colonial India. In 1986, sati became a hot topic in post-independence India after a young Rajasthani bride named Roop Kanwar was burned alive on her husband's funeral pyre. As a result, the Sati Prevention Act was created in 1987 and made the practice of sati a felony for which the death penalty may also be imposed on those who commit it. Additionally, the decree said that the "glorification" of sati through the construction of a temple and the deity worship of the deceased ladies is permitted

However, some people believe that this regulation interferes with their ability to follow their religious beliefs. Even though there is a legislation in India that prohibits children from marrying at an early age, child marriage is nevertheless common in some areas of the country.

Child Marriage: The Child Marriage Act of 2006 forbids child marriage and sets the marriageable age for boys and girls at 21 and 18 years old, respectively. "Over 50% of the girls marry below the age of 18, resulting in a typical reproductive pattern of 'too early, too frequent, too many', resulting in a high IMR5," states the National Population Policy. A girl kid's innocence during her formative years, which is essential for her physical, emotional, and psychological development, is taken away by child marriage. Domestic abuse, particularly sexual abuse committed by husbands, has a profound impact on a child's developing body and mind. Many children are still married off in India today on the auspicious day of Akas Teej.

Boy Presence: In Rajasthan the patriarchal structure of Indian society has historically been the source of the phenomena known as the preference for sons. With the shift of Indian society from a primitive, mostly matrilineal stage to a feudal era, where agriculture became the main recognised activity of the people, a significant preference for having sons evolved. As the idea of private property developed, the families started to split up the land. The family who possessed a greater portion of the land were viewed with pride. As a result, sons were considered to be the main wage earners in the family in this patriarchal land-owning society as opposed to girls. The mother's health is frequently negatively impacted by her desires for a son. All of these

problems eventually contributed to the neglect of female children, who are still frequently marginalised in Indian society today.

Female feticide: The practices of infanticide, feticide, sex-selective abortion—which has grown widespread due to the development of amniocentesis technology—and undernourishment of female offspring continue to perpetuate the poor status of women. An estimated 10 million female fetuses have been aborted in India within the past 20 years. In Punjab, the ratio of children to adults fell from 894 in 1961 to 793 in 2001. The child-to-sex ratio in Haryana fell from 910 in 1961 to 820 in 20018. Even though the Indian government has declared the practice of amniocentesis for pre-birth sex determination to be illegal, the practice of illegally terminating female fetuses by unskilled nurses and staff remains common, especially in the northern states of India such as Haryana, Rajasthan, and Punjab. The rate of maternal death has increased as a consequence of all of them.

Education: One of the most important areas of education for women's empowerment is this one. Despite the fact that everyone has the legal right to free education under Article 21 of the Indian Constitution, the high percentage of women in higher education remains a pipe dream. Although the Sarva Shiksya Abhiyan has been somewhat successful in getting girls back into the classroom, their retention rate is lower than that of their male counterparts. In fact, it has been discovered that when girls advance to higher levels, there is a progressive dropout rate. The primary causes of this are that females are expected to take care of their siblings while their parents are at work, work as seasonal labourers alongside the parents during the farming season, and handle domestic chores while the parents are away from home. Additionally, parents tend to show greater interest in boys.

With no land and a family to support, a separated or divorced woman frequently finds herself in an urban slum where her security of tenure is, at best, dubious. "There is overwhelming evidence that, in low-income households, men spend a large portion on personal goods like alcohol, tobacco, etc., while women spend more on necessities for the family." Thus, the objective of achieving universal primary education in India remains unattainable for women. In India, widows are often ejected from their married houses after their husbands pass away, leaving them to care for their children by themselves. "Legal security of tenure for women is almost wholly dependent on the males they are linked with in practically all countries, whether "developed" or "developing," according to the UN Special Rapporteur on Adequate Housing. Women head households and are often much less secure than males. There are not many women who own land.

Sexual harassment at the workplace: The Supreme Court's 1997 Vishaka recommendations marked the beginning of an Indian conversation about sexual harassment of women at work. But the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill 2013" was passed, which made it easier to turn these recommendations into actual laws that need to be followed. However, in India even today, "the

issue of sexual harassment has been largely swept under the carpet." Because sexual harassment is still socially unacceptable, the restrictions have never been effectively invoked. In India, women face discrimination when it comes to receiving compensation for their work. In India, women face discrimination when it comes to receiving compensation for their work. This is true for both rural and urban locations. Obtaining credit to launch their independent business is generally more difficult for women entrepreneurs.

Rape: Over the past ten years, there has been a notable surge in the number of rape cases in India. Twenty-five thousand rape cases were registered in 2012, according to the National Crime Records Bureau. Mass rape is a tactic used by higher caste members in rural India, especially in Northern India, to gain control over members of lower castes. In response to the horrific Delhi gang rape case, the Criminal Law (Amendment) Act 2013, a more stringent statute, was passed to address rape cases in India.

Societal violence against women: The majority of Indian groups and societies are enmeshed in a patriarchal normative universe that makes it difficult for women to receive true justice. The groups that are religious, rural, or man-made, such as professional associations, scarcely represent the ideal of gender equality. Religious societies have frequently made women's lives worse by pressuring them to follow traditional beliefs that are detrimental to women. Safeguarding the human rights of women by the Indian Constitution Women in India are granted particular privileges under the constitution. The inferior and backward status of women in society was well known to the framers of the constitution. They made some attempts to improve the status of women in our community. Article 42 of the Constitution mandates that the state offer maternity relief to female workers, while Article 51-A states that it is the fundamental responsibility of every Indian citizen to abstain from behaviours that violate women's dignity. The Protection of Human Rights Act, 1993 was introduced by the Indian Parliament to ensure that Article 51-A is properly implemented.

The Indian Parliament has enacted several laws over the years to accomplish the goal of empowering women in India. Among these are the Equal Remuneration Act, the Dowry Prohibition Act, the Prevention of Immoral Trafficking Act, and the Sati (Widow Burning the Rights of) Prevention Act, among others. In addition to this, women were granted a 33% reservation in pachayat and Nagarpalika institutions, as well as in the roles of chairperson for these organisations, under the 73rd and 74th Constitution (Amendment) Acts 14. The obstacles to women's empowerment at the municipal level were eliminated by these two modifications.

It has been discovered that Karnataka is the state that sends the greatest number of women to the PRIs, followed by Kerala and Manipur. A law designating 33% of seats in national and state legislatures for women has been filed in Parliament15 in an effort to support women's equal participation in politics at both the federal and state levels. In addition, the Indian government has passed numerous laws to protect women's rights, such as the Sati Prevention Act and the Dowry Prohibition Act. In addition, the National Commission for Women was founded

in India in 1990 to examine issues pertaining to women. They have been hired by NCW to handle instances involving rights violations against women. They have been hired by NCW to handle instances involving violations of women's rights. They have put pressure on the government to enact tougher legislation to address domestic abuse, rape cases, and the creation of a special criminal code for women, among other things.

Indian Women's Empowerment Strategies The main reason Indian women are at the receiving end is that they haven't been informed of their basic civil and constitutional rights. The patriarchal system affects a woman's life in many aspects. In such circumstances, the majority of them are frequently compelled to adopt customs that are harmful to their own and their children's growth. Despite having gained some financial and political autonomy as well as awareness of their rights, women still feel powerless to effect fundamental reforms that would eradicate gender inequality in society.

It is necessary to create a multi-layered strategy in order to evaluate the fundamental causes of violence against women. To ensure that victim-survivors may continue with their daily lives, the state and society must offer them immediate support. When addressing the issue of violence, The National Commission for Women has taken up the cause of women's rights and has loudly called for the creation of a special criminal code for women as well as more severe penalties for crimes against them. The idea of drafting a special criminal code for women was intended to expedite the process of convicting women who had been wronged and to give them prompt justice. Nevertheless, this initiative was dropped as the administration was unable to support it.

The state plays a pivotal role in enacting constructive laws aimed at eliminating bias against women. After much discussion, the Indian state amended the Hindu Succession Act in 1956 to grant women the same rights as men when it came to inheritance. This was the first reform move in the country. The women must receive ongoing, substantial, unconditional financial and emotional support from both the official state apparatus, such as the police, courts, and health care systems, as well as from informal networks like friends, family, neighbours, and local community organisations.

The concept of an independent, self-sufficient woman making her own decisions in life can only be realised through providing women with education that will enable them to become economically independent as well as information and understanding of their rights. Women's education regarding the legal and human rights guaranteed by the constitution needs to be given particular attention17. Prominent feminist author Martha Nussbaum maintained that giving women the protection of justice is essential to their growth.

The Police in India are the next official state organisation that deals with women who have been victims. The police frequently handle crimes against women in an unsympathetic manner, which results in the crimes going unreported. Therefore, in order to prevent future oppression of women at the hands of the police, official training and gender sensitization programmes must be implemented. The judiciary, which is in charge of giving the wronged women justice, ought to be aware of gender concerns as well. It is only via legal education that judges and advocates can become knowledgeable about delicate gender issues. Women's organisations should work to change societal perceptions of detrimental traditional behaviours in order to empower women.

Assisting women in reestablishing their life and self-confidence is one of the most important responsibilities of the numerous NGOs and organisations for women. These objectives can only be met if the women are sufficiently informed about their legal rights and have sufficient financial independence to make their own decisions. When implemented in shelter houses, these activities can offer women who were abused both connections and counselling. Only when societal norms and attitudes towards women are altered—which calls for curriculum modifications—can violence against women be reduced.

Religious leaders and indigenous communities in India frequently condone and advocate violence against women. Therefore, it is imperative that indigenous communities work to establish systems and plans to end these long-standing, brutal practices directed towards women. The holy texts and teachings must be examined by religious scholars and leaders with the goal of promoting gender equality and women's self-respect. In summary, the attainment of the Millennium Development Goals pertaining to gender equality and women's empowerment in India will need the abolition of customary practices like as female infanticide, dowry deaths, khap panchayat honour killings, domestic violence, and sexual assault. Gender equality and women's empowerment won't be possible till after that.

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