



WOMEN'S RIGHTS IN INDIA

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Abstract

In the past, human rights had been conceptualized in a way that did not take account of women's lives and the fact that they experienced violence, crime, discrimination and coercion. In the past, women followed certain norms and traditions that put many restraints upon them, primarily in the male dominated society. The work of activists, human rights mechanisms and States has been critical in ensuring that the human rights framework has developed and adjusted to summarize the gender specific dimensions of human rights violations to safeguard women in a better way. Efficiently ensuring women's human rights requires a wide-ranging understanding of the fundamental societal structures and power relations that define and stimulate the ability of the women to enjoy human rights. These power structures have an impact on all aspects of life, from law and politics, to economic and social policy, family and community life, education, training, skill development and attainment of employment opportunities.

Introduction

Achieving equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and United Nations values. Women all over the world, however, commonly experience violations of their human rights throughout their lives, and human right of women has not always been a priority. Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are deprived of equality so as to develop appropriate strategies and norms to eliminate such discrimination. Some groups of women experience additional forms of discrimination, based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socio-economic status. These interconnecting forms of discrimination must be taken into account when formulating measures and responses to combat discrimination against women.¹ Combating against discriminatory treatments is essential for the progress

of women. Besides these, one should give priority to the rights of women and promote their effective implementation.

Women have an important role to play in the society. They are regarded as primary sources that raise and nurture the family. In spite the fact that the women's contribution to the progress of the country is equal to that of their male counterpart, still they experience a number of limitations that restrict them from realizing their potential for growth.

Diagramming of Violations of Women's Rights

The areas that violate the rights of women in India have been stated as follows:

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 primary 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 poverty stricken 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.

Dowry Deaths

In India, there has been an increase in the dowry deaths of women in their matrimonial homes. Disputes relating to dowry have become a serious problem. The National Crime Records Bureau reported, in 2012, around 8233 newlywed women were killed for dowry. The taking and giving of dowry is observed as a crime within the country. The Dowry Prohibition Act' has not been put into operation in India in an appropriate manner. It has been discovered that mostly number of states neither have a Dowry Prohibition Officers nor do they made it mandatory to keep the record of things given and received.²

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.³ 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.

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. 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.⁴

Child Marriage

Child marriage is when the marriage of girls takes place, when they 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.⁵ 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.

Preference for a Male Child

The individuals, who belong to rural communities and socio-economically backward sections of the society, normally give preference to the male child. They regard males to be the assets of the family and possess the viewpoint that they will contribute in generating welfare and enhancing reputation of their families. The preference for the male child is a phenomenon, which is historically rooted in the patriarchal system of the Indian society. The strong preference for having a son, took place with the transformation of the Indian society from the primitive stage, which used to be mainly a matrilineal to feudal stage, where agriculture emerged as the primary recognized occupation of the people to be controlled by males⁶

Female Foeticide and Female Infanticide

Female foeticide is referred to the killing of the girl child, before she is born and female infanticide is killing of the girl child, after she is born. These practices, deny 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 possessed 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 generate any wealth for their families.

Education

Education is regarded as one of the most imperative aspects that would lead to empowerment of women. The rights to education under Article 21 of the Indian Constitution have made it obligatory for the government to provide free education to all the individuals. In rural areas, the retention rate of girls in schools is lower as compared to males and there are number of reasons that lead to drop-out of girls, as they move to higher classes. In higher education, the primary reason that lead to their drop-out is, parents are unable to afford education, due to financial problems. Parents expect their girls to take care of their younger siblings, as they go to work, they train them regarding the performance of the household chores, increasing cost of education and parents feel that girls would be married off, hence, they will not be able to utilize their learning.⁷

Forced Evictions and Exclusions

In India, widows are evicted 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 too 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.

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.⁸

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, 25000 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.⁸

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.⁹

Empowerment of Women

Empowerment in the present existence has become one of the most comprehensively used terms that indicates progress and development of women. Women's groups, non-governmental development organisations, activists, politicians, governments and international agencies refer to empowerment as one of their main objectives. Empowerment leads to generation of awareness and understanding amongst women regarding programs, schemes, measures, strategies, policies, and rules. It is considered as a project, which normally individuals undergo, which eventually leads to changes and transformations. Empowerment is referred to as a process to change the distribution of power, both in interpersonal relations

and in institutions throughout the society. Another meaning signifies, the process of acquiring, providing, bestowing the resources and the means or enabling access to a control over such means and resources. Given the above, the term is therefore, more relevant to the marginalized groups, the poor, the illiterates, the indigenous communities, and those women, who are struggling to acquire their rights within the society (Anonuevo, 1995).¹⁰

Conclusion

The main purpose of this research paper is to acquire understanding of human rights of women. The main reason, that the rights of women have been undermined is due to the existence of the patriarchal society. In the male dominant society, preference was given to the male children, there were practices of female foeticide and female infanticide. Females were considered as liabilities, which would lead to expenditure, whereas males were regarded to be the assets, which would generate wealth for their families. The decision making and other powers and authorities were vested in the hands of males. The responsibilities of the females were limited to performing of the household chores, child development and looking after the family members. 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. Women are emerging professionals such as, doctors, lawyers, teachers, educationists, managers, administrators and so forth. The girls, who belong to minority communities are getting enrolled in educational institutions, so that they learn to exercise their rights for the well-being of their parents as well as the community. 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.

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