

Human Rights and Rights of Women in India



Anju Sharma

Assistant Professor,
Dept. of Sociology & Political
Science,
Faculty of Social Sciences,
Dayalbagh Educational Institute
Dayalbagh, Agra (UP)

Abstract

Human rights are an integral part of the concept of human dignity. Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human dignity is protected by deferent provision of the constitution of India, Social justice is an essential component of Human rights and national development including the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination. Human rights are protected by different provision of the constitution of India; Women rights are integral to human rights. Indian constitution gave many rights to protect the interest of women and uplift their status and position in Indian society. For ex- The Prohibition act 1661, the equal remuneration act 1976, Prevention of Immoral Traffic Act 1986 etc. After the independence the growth of Education and other social, economic changes that have taken place in Indian society changed the status of Indian women and their status has improve in the society but all Indian women do not avail all rights and human rights. After 70 year of Independence. Indian women are still in darkness. And they do not enjoy all rights and human rights which are given by the Indian constitution. This paper throws light on the position of Indian women in at present time.

Keywords: Human Rights, Indian Women, Indian Constitutional Rights.

Introduction

Human rights refer to the basic rights that are believed to be entitled to every human being. Every human being is entitled to certain rights and freedom irrespective of their origin ethnicity, race, colour, nationality, citizenship, sex or religion. These rights are considered universal for Humanity.

Objective of the Study

1. To study status of women in India and Development of Human Rights.
2. To Study Indian Women's constitutional and legal rights in India
3. To study violation of Women's Human Rights in India

Review of Literature

Khanna (1998) in his book 'Women And Political Rights', said that right to live in a peaceful and secure environment is fundamental to human well being without it the development of just, equitable and healthy society cannot take place. Further author said that social justice, recognition to dignity, equal rights of men and women in all large nations are basic requirement of establishing peace and security in society. Any assessment of status of women has to start from social framework. Further author said that in any form of society women's role and status is determined by the social structure, cultural norms, value system and social expectations regarding the behaviour of both men and women.

Dixit and Dixit(2012), in their book 'Ambedkar And Human Rights', said that Ambedkar was the most accomplished and famous political philosopher and leader among his contemporaries. Authors said that Ambedkar was very big supporter of human rights, especially the rights of Dalits, down trodden and women. He did many works and campaigns to promote the rights of human beings, because of this no human rights discourse in India could not be complete without detailed discussion on outstanding works of Dr. B.R Ambedkar.

Jayapalan(2017), in his book 'Human Rights' covers the various aspects of Human rights like the universal declaration of human rights, Indian Constitution and human rights, Refugees and their human rights, Role of voluntary organizations in human rights around the world, how human rights are violated etc. and tried to highlight all the issues and

problems with above mentioned concepts. He also in his book explained and discussed the importance of United Nations Charter and Indian Constitution so as to give a clear picture about human rights and the role of dissents for the welfare of the people.

Nish Garg and Pradeep Kumar (1919) Studied the women Rights in India are actually related to primarily the issue of Patriarchy reinforced by culture another major issue and Indian feminist movement faces today is that of Elitism all the women related movement large handed by elitist women and other related problem is that of feeling shy of fighting the internal enemy.

R.S Tripathi and R.P. Tiwari Studied (1999) Studied that Independence many Provisions has been provided for the development of women but mere provision can bring no change and they face many problems like Raped, Dowry death etc.man and women have played equal role in forming the society and no country can make Progress by neglecting Women's Rights.

Meaning of Human Rights

Human rights may be called the basic rights and the fundamental rights or the natural rights or inherent rights aimed to maintain human dignity.

Idea of Human rights its Protection and Development

Many important land marks can be mentioned in this way such as Magna Carta -1215 The petition of Right -1628 and Bill of Right 1689 and French Declaration of the Right of man and of the citizen of 1789.

The first international treaties concerning human Rights were linked with the acceptance of freedom of religion. (e.g. the treaties of Westphalia of 1648) and the abolition of Slavery.

Slavery had already been condemned by the congress of Vienna in 1815 and a number of International treaties for the abolition of Slavery – Treaty of Washington of 1862 document of conference in Brussels in 1867 and 1890 and in Berlin in 1885. Another field – Law of war Declaration of Paris of 1856, the first Geneva Convention of 1854 Second 1906 Hague Convention of 1899 and 1907.

End of World War

League of Nation, the first inter-governmental organization in 20th century developed many International organizations to Protect Human Rights like –International organization - created in 1919 the International slavery Convention signed in Geneva on 26 sep. 1926 the totalitarian regimes established in the 1920 and 1930 grassy violated human rights in their own territories. And the Second World War was brought about massive abuse of human life and dignity so the international Institution needed protection human rights. When the charter of the United Nations signed on 26 June 1945 whose main objective – which aims of the United Nation is to achieve international Co-operation in promoting and encouraging respect for human rights in the dignity and worth of the human person and in the equal rights of men and women but the charter does not specify human rights and does not establish any specific mechanism to ensure their implementation in number

of states. The commission on human rights established in 1945 which is Subsidiary body of the economic and social council. A major step in drafting the international Bill of human rights was on 10 Dec 1948.

Rights Proclaimed in the Universal Declaration

Rights Proclaimed in the Universal Declaration in Rights can broadly divided into two kinds: Civil and Political Rights to life –liberty etc. Second are Social and Cultural Rights – examples right to work, right to education, right to participate freely in cultural life etc.

Women Equality

To promote the rights of women the U.N.O convened several world conferences – Mexico -19 June -2 July 1945, Copenhagen Denmark 24-30 July 1980 and Kenya -15-26 July 1985. The Declaration on Elimination Violence against women adopted by the U.N. General assembly in 1993 call on all sates to take measures to prevent and punish violence against women in March 1994 U.N.O. has issues several declarations for upholding Women Rights like –

1. Declaration on the elimination of all forms of discrimination against women
2. Convention on political rights of women
3. Convention on consent for marriage and registration of marriage
4. Declaration on the protection of women and children in emergency and armed conflict

U.N. in Its Convention 1951 Declared

Equal pay for equal work for both women and men.

The International Concerns

In 1945 after the Birth of U.N.O. the process of brings awareness about women's unequal position in society began the gender emphasized as the fundamental human rights.

Miles Stones in U.N action for The Advancement of Women

1. The Universal Declaration of Human rights (1948).
2. The International women year (1975)
3. The U.N .Decade for women :Equality Development and peace
4. OLO Policy Statement Concerning Women Workers Promoting opportunities and Equal treatment for men and women –(1975)
5. The resolution Concerning ILO action for women workers (1991)

Status of women in India

Vedic Era

Vedic era was the golden era, during that period women enjoyed a fair amount to freedom and equality with men and women. Women studied with men in Gurukul and there are instances of many Brahmavadinis like Gora, Gargi, Maitreya were well versed in Vedas and actively participated in intellectual and philosophical discussion and discourses. Brides were free to select their Groom. Both husband and wife were owners of family property. She was considered as human being and enjoyed a status and prestige in the society.

Smritik Period

In this era position of women was gradually deteriorated. The Position of Women Started declining she was regarded as subservient to man and confined to house hold chores and child bearing. The writer of Manu Smriti was very harsh and cruel to women and sudras in these period Hindu women lost her individuality and status in the society her existence and happiness was dependent on that of her husband Hindu women's life was full of sacrifice.

Post independence Era

During British period the position of women still was not good but with some social reformer like Raja Ram Mohan Roy, Dayanand Saraswati, Mahatma Gandhi, an awareness arose among Indian women post Independence period though the general condition of Indian women did not change but the constitution provided equality to women in every respect.

According to Ambedkar Indian women place in the society was not at par with other human being. She has no right, she cannot move nor do anything at her life will. In Manusamarti the ancient Hindu Code book the status granted to women is quite visible and she was put to the lowest position in the Indian society.

The constitution of India also guarantees the equality of rights of men and women. However, in the sphere of women's human rights in India, there exists a wide gap between theory and practice. Indian society is a male dominated society where men are always assumed to be superior in society. The women in India often have to face discrimination, injustice and dishonour. So women in India have been given more rights as compared to men, even then the condition of women in India is not so improve by human right and rights given by the constitution. The paper will throw light on the human rights of women in India and the constitutional and fundamental rights given to the women aware of the fact that Indian women need special protection to make their survival possible in the society.

The Fundamental Rights

The Fundamental rights enshrined in articles 14,15,16 guarantee the principles of equality before law, Equality of sexes and equal opportunity in all life including public employment Articles -15 Prohibits discrimination on the grounds of religion race, caste, sex, place of birth or any one of them Hindu marriage Act, 1955, Hindu adoption and maintenance Act,1956, the Hindu minority and Guardianship act,1956 were passed by the Parliament and assented by the President their enactment brought major changes in the status and position of Hindu women. The Constitution of India assures everyone including Hindu women enjoy equal status in society and state so the legislatures have been authorised to enact special protective laws in favour of women and large number of law have been passed so as to protect the interest of Hindu women and uplift their status and position for examples- The Dowry Prohibition act - 1961 the Equal Remuneration act 1976 , the medical termination of pregnancy act 1971 The prevention of immoral traffic act 1986 Act.

Women Human Rights in India

After Independence Number of Committees have been formed to study Investigate analyse and recommend the improve women's condition the first series was –towards Equality- report of the committee on status of the women in Indian (1974). The Pioneering report of the committee on the status of women in India has guided the government policy – sensitive development women in the informal sector 1998- it brought to the lime light the marginalised poor in both Urban and rural areas

India began to feel since 1975, the need of organising public opinion regard to the problem of women. As a result Indian women got the incorporation of new ministry relating to the matters of women as a whole.

To mention some significant laws relating to women are:

Right to equality,* Right to education* Right to live with dignity* Right to liberty* Right to politics* Right to property* Right to equal opportunity for employment* Right to free choice of profession* Right to livelihood* Right to work in equitable condition* Right to get equal wages for equal work* Right to protection from gender discrimination* Right to social protection in the eventuality of retirement, old age and sickness* Right to protection from inhuman treatment* Right to protection of health* Right to privacy in terms of personal life, family, residence, correspondence etc. And Right to protection from society, state and family system.

Legislative Provisions

The State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence, atrocities and crimes against women to provide support services especially to working women. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' Child Marriages, Sati and forced prostitution and human trafficking etc. The crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories. The crimes identified under the Indian Penal Code (IPC) are Rape (Sec. 376 IPC), Kidnapping and Abduction for different purposes (Sec. 363-373), Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC), Torture, both mental and physical (Sec. 498-A IPC), Molestation (Sec. 354 IPC), Sexual Harassment (Sec. 509 IPC), Importation of girls (up to 21 years of age). The second category crimes are identified under the Special Laws. The Supreme Court of India is a great champion of rights of women. The Apex court has given specific guidelines for protection from Sexual Harassment of working women in Vishakha vs. State of Rajasthan.

Indian Parliament enacted several legislations on women for protection of their rights in tune with the fundamental rights guaranteed under Part III of the Indian Constitution and United Nations Human Rights Conventions.

For the Empowerment of Women Indian government implemented many policies like

National Policy for Empowerment of Women

The National Policy for Empowerment of Women (NPEW) was formulated in 2001 for the development and empowerment of the women.

National Mission for Empowerment of Women

Government of India launched the National Mission for empowerment of women (NMEW) on International Women's Day in 2010 with the aim to strengthen overall processes to promote all-round development of women.

National Commission for Women

The National Commission for Women was set up as statutory body in January 1992 under the National Commission for Women Act, 1990 to review the Constitutional and Legal safeguards for women, recommend remedial legislative measures ; facilitate redressal of grievances and to advise the Government on all policy matters affecting women. The Commission initiated various steps to improve the status of women and worked for their economic empowerment. It organizes consultations, constituted expert committees on economic empowerment of women, conducts workshops and seminars for gender awareness and took up publicity campaign against female foeticide, violence against women, in order to generate awareness in the society against these social evils and human rights of women.

Violation of Women Human Rights in India

After 70 year of independence Indian women desires a free society for women. The discrimination with women cannot be ended by just Implementing laws without any social support and women's awareness about the constitutional right and human rights, after the 70 year of independence Indian women face many violation for human rights –right to equality, protection and gender discrimination against the girl child start before the birth sex determination leading to foeticide and female infanticide. And in a Indian society men are always assumed to be superior to women. Indian women also cannot avail properly Right to Education is considered as means of development of personality and awareness Education one of the most important human right but the position of women's education in India is not at all satisfactory, there is large gap between the literacy levels of men and women. Due to large percentage of uneducated women in India they are not even aware of their basic human rights and can never fight of them.

Women face number of problem political, economic social religious and education level Some of problem that are to be given top most priority to deal with are the Domestic violence, child marriage, raping, dowry death, Sex harassment, illiteracy etc. Some problem which commonly faced by the Indian women faces are -

Domestic Violence in India

Any type of violence suffered by women done by male member of her family member or by any other family or relatives. Domestic abuse includes physical, emotional and sexual violence of any form. In India many type of domestic violence found in India like –

Physical Violence

Physical injury is the most visible form of domestic violence. The scope of physical domestic/intimate partner violence includes slapping, pushing, kicking, biting, hitting, throwing objects, Strangulating, beating, threatening with any form of weapon, or using a weapon etc.

Emotional Abuse

Emotional abuses also a type of domestic violence and human rights abuse Indian women face many types of emotional abuses in home like harassment, threat, verbal abuse such as name calling, degradation and blaming stalking and isolation.

Honour Killing

When an individual killed by one or more family member because she refuses arranged marriage and get married with other caste, class, and religions etc or after being relationship that is not approved by the family.

Dowry

"Dowry" is defined as any property or valuable security to give or agree to given, directly or indirectly by one party to the other party in the marriage by parents of either party in the marriage at or before the marriage demanding of dowry by any person is a dowry offence. The Dowry prohibition Act passed in 1961. This Act was again amended in 1984 and 1986 to enforce it effectively.

Dowry Related Death

Dowry has been identified as one of the most killing problem of women in India.

In India almost all families take dowry from bride side. a cultural tradition rooted in many Indian communities, which is the money, goods or property the women's family bring to marriage to now become under the ownership of husband this practice continues even today in India although deleted by since 1961, and in recent year dowry amount and cases have been rising dramatically. So some newly bride suffers domestic violence in the form of harassment physical abuse or death when she is thought to have not brought dowry in marriage. Dowry is deep rooted Social evil in India .This problem can only be solved by social awareness and social movements.

Child Marriage Restraint Act

Child Marriage Restraint Act was passed in 1929 to prevent the early marriage of girl in their tender age but the system of child marriage still practiced in India.

Hindu marriage Act 1955 gave the right of divorce to women.

The right of women remarriage passed but this could not stop the social humiliation faced by the Hindu widows.

The Right to Property

It means the freedom of the Individual to enjoy his property. It implies that the Individual to enjoy his property. It implies that the Individual has the right to Acquire hold and dispose of property without any restriction on hindrance. Until 1929 Hindu Succession Act introduce in 1956 recognised the right of Hindu daughter Property right, This act also paved

the way for Hindu widow become the sole owner of the property left by her deceased husband but in India women do not avail this right properly.

Other Problems Faced by Women in India Female Infanticide

It is nothing but killing of female, soon after birth especially with mother consent, this custom of killing child is related to honour and prestige of family.

Raping and Group Raping

Raping and group raping occur everywhere in India in rural area women molested and raped by influenced land holders some other factor also found in Indian society like Bhawari Devi of Rajasthan was gang raped just because She took up the risk of reporting an incident of child marriage in her place. After 2000 these problems become very serious day by day in India. Rape and child raping cases increasing in number day by day and law has failed to control and solve this problem.

Education is considered as means of development of personality and awareness. Education is one of the most important human rights but the position of women's education in India is not at all satisfactory. There is large gap between the literacy levels of men and women. Almost half the women population are even unable to recognise language characters. At least 60 million girls lack access to primary education in India. Due to large percentage of uneducated women in India, they are not even aware of their basic human rights and can never fight for them.

The political status of women in India is very unsatisfactory, particularly their representation in higher political institutions – Parliament and provincial Legislation which is of great under importance – representation in which hampers their effective role influencing the government initiatives and policies regarding women's welfare and development. Their representation has been unable to reach even 10% in Lok Sabha. Thus it is clear that there is male domination in Indian politics and almost all the parties give very little support to women in election.

The 73rd and 74th Amendment Acts of the Constitution of India, passed in 1993, reserve one-third of the seats for women in local bodies. These Bills have taken women to great heights in the government's decision-making process by giving them political space in the Panchayati Raj Institutions. No doubt, this has opened a new chapter in the empowerment of women but still today women are not empowered in the way it is actually required. These elected women are still influenced by men while taking decisions in local bodies. Furthermore, the Women Reservation Bill which is called 'The Constitution (108th Amendment) Bill', that reserves 33 percent seats in the Lok Sabha and in all State Legislative Assemblies for women, is still pending deliberately. Even after 20 years of its launch in 1996, this Bill has not been passed primarily due to the lack of political consent. Reservation is required to cross social barriers, which have disallowed females from participating in politics and decision-making at their home and in society. "The absence of proper representation of Indian women in top legislative and

decision-making bodies is leading to a lopsided working of democracy in the country." (Rai, 2011) In most of the Indian families, women do not own property in their own names and do not get share of parental property. Due to weak enforcement of laws protecting them, women continue to have little access to land and property. In fact, some of the laws discriminate against women, when it comes to land and property rights.

According to the World Bank report, malnutrition is the major cause of female infertility. The presence of excessive malnutrition among female children as compared to male children is basically due to differences in the intra-family allocation of food between the male normally, the male members are fed before the female members of the family. Boys are given more nutritive foods like milk, eggs, butter, ghee, fruits, and vegetables as compared to girls. Due to this inferior quality diet, girls are more vulnerable to infections and diseases. The reason again is that families spend less on medication for girls than for boys. Women have very limited option for employment and the employment of the women is still less than men because new era require new technological knowledge and skill and training Indian women literacy rate is very low so they do not get equal payment and job as compare to male. In India women employment rate is also lower than men. Very large Proportion of women is involved in home based work like lace making, embroidery etc. Their work is hard and payment is very less.

Conclusion

After 70 years of Independence of India Indian women do not enjoy all constitutional and human rights which are given to them by the Indian constitution and international communities. The discrimination with women cannot be ended without education and awareness about women rights. Culturally women are taught that they are inferior to men and men have privilege to dominate over women. Indian women condition can be improved by social movement but problem these movements in India face today is that of elitism. Most of the women related movements are in the hand of the Upper class /urban elitist women.

References

1. N. Jayapalan, "Human right", Atlantic Publisher & Distributors (p) LTD, New Delhi (2017).
2. Sona Dixit & Arun Kumar Dixit, "Ambedkar and Human rights", Samyak Prakashan, New Delhi(2012)
3. S.K.Khanna, "Women and the Human Rights", Commonwealth Publishers, Delhi(1998)
4. 4-Human Rights (Question and Answer) Lean Levin "National Book Trust, Indian-in collaboration with UNESCO Publishin-1998
5. P.L Mehta, Neena Verma, "Human Rights under the Indian Constitution", Deep Publication Pvt. Ltd.F-159 Rajouri garden, New Delhi-1999
6. Human rights, "Humenan development concept and contexts", Mahak publication PVT.LTD.
7. Raj Mohini Sethi, "Globalization, Culture and Women's Development".1999

Remarking An Analisation

8. Dr. Shamsudin Sham, "Women, Law and Social Change", Ashish Publication 1991
9. V.V.Devasia, Leelamma Devasia, "Women Social Justice and Human rights", APH Publication Corporation, New Delhi 1998
10. Human rights in India, Human Rights for Women in India(From Wikipedia, the free encyclopaedia)
11. Violation of Women Human Rights In India –Ritu Dhanoa "International Journal in Multidisciplinary and Academic Research Nov-Dec 2017
12. Nisha Grag and Prdeep Kumar "Prespective on Indian Women "A.P.H .Corporation.1919
13. R.S,Tripathi and R.P.Tiwari "Perspecttives on Indian women" (current scenario and future prospects"1999
14. Abdulrahim P.Vijapur & Kumar Suresh " Prespectives on Human Rights" Manak publication New Delhi 1999