

## HUMAN RIGHTS AND WOMEN IN INDIA

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### Abstract

Human Rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

The Constitution of India guarantees the equality of rights of men and women. However, in the sphere of women 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 to society. The women in India very often have to face discrimination, injustice and dishonour. Though women in India have been given more rights as compared to men even then the condition the women in India is miserable. This paper will therefore throw light on the human rights of women in India and how fundamental rights given to women are being violated in India.

**Key Words :** Human Rights, Crime, Violence, Harassment

### Violation of Women Human Rights in India

The Constitution of India has granted equal protection of laws within the territory of India. To this effect Article 15 states –State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. But today, it seems that there is wide gulf between theory and practice. Women in India have always been considered subordinate to men. Though the articles contained in the Constitution mandates equality and non –discrimination on the grounds of sex, women are always discriminated and dishonoured in Indian society despite the various efforts taken to improve the status of women in India. The constitutional dream of gender equality is miles away from becoming a reality. Though, human rights are the minimum rights which are compulsorily obtainable by every individual as he/she is member of human society but it has been found that each and every right of the women is being violated in one or another way. The crimes against women in India are increasing at a very fast pace. The National Crime Records Bureau (NCRB) had predicted that growth rate of crime against women would be higher than the population growth by 2010, which was found to be true.

The table below represents a list of top dangerous cities in India terms of crimes against women.

State	%
Delhi	16%
Hyderabad	8.1%
Bangalore	6.5%
Ahmedabad	6.4%
Mumbai	50.8%

Source: Crime in India – 2010, NCRB, Ministry of Home Affairs

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There is a need to discuss the rights of the women separately as women represents more than half the population of India, yet she is discriminated and violated in every sphere of her life. Only women are a prey to crimes such as rape, dowry, bride burning, sexual harassment, selling and importation, prostitution and trafficking etc. have you ever heard of men as victims to all these crimes? The answer is “no”. This year there has been 20% increase in women trafficking, procurement of minor girls accounted for 19.8%, importation of girls accounted for 4.9% and buying of girls for prostitution accounted for 2.3% approx. then how these Human Rights are beneficial to women? Though Government is taking a number of steps to improve the condition of women in India, but there is a long way to go. Also special rights are given to women as compared to men ,yet they are least beneficial to them.

### **Women Human Rights in India**

1. Right to equality
2. Right to education
3. Right to live with dignity
4. Right to liberty
5. Right to politics
6. Right to property
7. Right to equal opportunity for employment
8. Right to free choice of profession
9. Right to livelihood
10. Right to work in equitable condition
11. Right to get equal wages for equal work
12. Right to protection from gender discrimination
13. Right to social protection in the eventuality of retirement , old age and sickness
14. Right to protection from inhuman treatment ,old age and sickness
15. Right to protection from inhuman treatment
16. Right to protection of health
17. Right to privacy in terms of personal life, family, residence, correspondence etc. and
18. Right to protection from society, state and family system.

### **Violation of Women Human Rights**

It has been repeatedly said these days women in India are enjoying the rights equal to men. But in reality, women in India have been the sufferers from past. Not only in earlier times but even today also, women have to face discrimination, injustice and dishonoured. Let us now discuss the crimes done against women in spite of being given rights equal to men. These points will explain the (continued) violation of human rights of women in India.

### **History of violation of Women Human Rights**

The exploitation of Indian women is not a recent phenomenon. She has been exploited from the early times. The women in Indian society never had a good status. The following were ways in which women were subjected to exploitation in the early period.

#### **1. Devadasis**

Devadasis was a religious practice in some parts of southern India, in which women were married to a deity of temple. In the later period, the illegitimate sexual exploitation of the Devadasis became a norm in some parts of the country.

## **2. Jauhar**

Jauhar refers to the practice of voluntary immolation of all wives and daughters of defeated warriors in order to avoid capture and consequent molestation by the enemy. The practice was followed by the wives of Rajput rulers, who are known to place a high premium on honour.

## **3. Purdah**

Purdah is a practice among some communities requiring women to cover their bodies so as to cover their skin and conceal their faces. It curtails their right to interact freely and it is a symbol of the subordination of women.

## **4. Sati**

Sati is an old custom in Indian society in which widows were immolated alive on her husband's funeral pyre. Although the act was supposed to be voluntary on the widow's part, but in some cases she has been forced to go against her will.

## **Violence of Human Rights in General**

### **1. Violence of right to Equality and Gender Discrimination**

Discrimination against the girl child starts the moment as she enters into the mother's womb. The child is exposed to gender differences since birth and in recent times even before birth, in the form of sex-determination tests leading to foeticide and female infanticide. The home, which is supposed to be the most secure place, is where women are most exposed to violence. If a girl child opens her eyes in any way, she is killed after her birth by different cruel methods in some parts of the country. Thus the very important Right to Life is denied to women. In India men are always assumed to be superior to women and given more preference. The World Human Right Conference in Vienna first recognized gender based violence as a human rights violation in 1993. The same was declared by United Nations Declaration in 1993.

### **2. Violation of Political Rights**

The political status of women in India is very unsatisfactory, particularly their representation in higher political institutions- Parliament and Provincial legislatures which show great under- representation and hampers their effective role in 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:

- a- There is male domination in Indian politics and almost all the parties give very little support to women during elections despite their vocal support for 33% reservation of seats for women in Parliament and Provincial legislation.
- b- Women have made initiatives in political participation but they have not been accepted in politics.

### **3. Violation of Right to Property**

In most of the families, women do not own property in their own names and do not get the 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. Though, women have been given rights to inheritance, but the sons had an independent share in the ancestral property while the daughter's shares were based on the share received by the father. Hence, father could anytime disinherit daughter by renouncing his share but the son will continue to have a share in his own right. Besides this the married daughters facing harassment have no rights in ancestral home.

#### **4. Violation of Health 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 and female children. Normally, the male members are fed before the female members of the family. According to Human Development Report, in rural Panjab, 21% of girls in low income families suffer from severe malnutrition as compared with 3% of boys in the same family. Even the low income boys are far better than upper income girls. Girl babies are less breast –fed than baby boy. 60% of girl babies are born with low birth weight.

Sometimes due to economic distress and natural calamities like floods, droughts or earthquakes, the discrimination against the female child increases. Moreover it has been confirmed by various studies that girl's diet is inferior to the boy's diet both in quality and quantity. 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 infection and diseases. The reason again is that families spend less on medication for girls than for boys.

#### **5. Violation of right to Equal Opportunity for Employment and Equal Wages for Equal Work**

Employment of women in agriculture, traditional and in sizeable section of new industries is declining at very fast rate. The reason is that the adoption of new technological changes requires new skill, knowledge and training. And women in India, who constitute a large share of world's illiterate, lacks such skills and knowledge. The studies have also showed that for the same task, women are paid less than the males. Technological changes in agriculture and industry are throwing out women from the production process. The women workers are concentrated only for certain jobs which require so- called female skills. Thus Indian labour market is adverse to women workers. It shows that, the role of women in large scale industries and technology based businesses is very limited. But even in the small – scale industries their participation is very low. Only 10.11% of the micro and small enterprises are owned by women today. Statistics show that only 15% of the senior management posts are held by the women. In agriculture where women comprise of the majority of agricultural labourers, the average wage of women on an average is 30-50% less than that of men.

#### **6. Violation of right to live with dignity and problems of Eve Teasing and Sexual Abuse**

Eve teasing is an act of terror that violates a women's body and self –respect. It is one of the many ways through which a woman is systematically made to feel inferior, weak and afraid. Whether it is an obscene word whispered into a women's ear, offensive remarks on her appearance, any intrusive way of touching any part of women's body, a gesture which is perceived and intended to be vulgar: all these acts represent violation of women's person and her bodies integrity. Thus eve teasing denies a women's fundamental right to move freely and carry herself with dignity, solely on the basis of her sex. There are no particular places where eve- teasers congregate. No place is really “safe” for women. Roads, buses, train, halls, parks beaches, even a women's house and neighbourhood may be sites where her –worth is abused.

#### **Violation of rights by Society and Family System**

##### **1. Child Marriage**

Child marriage has been traditionally prevalent in India to this date. Discrimination against the girl begins even before their birth and continues as they grow. According to the law , a girl cannot be married until she has reached the age of 18 at least. But the girl in India is taken as a burden on the family. Sometimes the marriages are settled even before the birth of the child. In South India, marriages between cousins is common as they believe that a girl is secured as she has been married within the clan. Parents also believe that it is easy for the child –bride to adapt to new environment as well as it is easy for others to mould the child to suit their family environment. Some believe that they marry girls at an early age so as to avoid the risk of their unmarried

daughter getting pregnant.

This shows that the reasons for child marriages in India are so baseless. Basically, this phenomenon of child marriage is linked to poverty, illiteracy, dowry, landlessness and other social evils. The impact of child marriage is widowhood, inadequate socialization, education deprivation, lack of independence to select the life partner, lack of economic independence, low health/ nutritional levels as a result of early/ frequent pregnancies in an unprepared psychological state of young bride. However, the Indian boys have to suffer less due to male dominated society. Around 40% child marriages occur in India. A study conducted by, family planning foundation showed that the mortality rate were higher among babies born to women under 18. Another study showed that around 56% girls from poorer families are married underage and become mothers. So all this indicated that immediate steps should be taken to stop the evil of child marriage.

## **2- Dowry Harassment and Bride Burning**

The demand of dowry by the husband and his family and killing of the bride because of not bringing enough dowries to the in-laws has become a very common crime these days. The spite of the dowry prohibition act passed by the government, which has made dowry demands in wedding illegal, the dowry incidents are increasing day by day. According to a survey, around 5000 women die each year due to dowry deaths and at least a dozen die each day in kitchen fires.

## **3- Rape**

Young girls in India often are the victim of rape. Almost 255 rapes are of girls under 16 years of age. The law against rape is unchanged since 120 years. In rape cases, it is very torturing that the victim has to prove that she has been raped. The victim finds it difficult to undergo medical examination immediately after the trauma of assault. Besides this, the family too is reluctant to bring in prosecution due to family prestige and stringent police procedures.

## **4- Domestic Violence**

Wife beating and abuse by alcoholic husbands are the violence done against women which are never publicity acknowledged. The cause is mainly the man demanding the hard earned money of the wife for his drinking. But an Indian woman always tries to conceal it as they are ashamed of talking about it. Interference of in –laws and extra marital affairs of the husbands are the cause of such violence. The sad part is women are unwilling to go to the court because of lack of alternative support system.

## **Conclusion**

Thus all these violence committed against women raises the question mark that how these special rights given to women are helping them? What are the benefits of framing such laws for the women? Are they really helping them? Will the women really be given an equal status to man one day? All these questions are still unanswered and there is still long way to go answer such questions.

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