

## HUMAN RIGHTS AND WOMEN IN INDIA

**Suchhanda Ghosh**

Assistant Professor, Department of Political Science  
Victoria Institution (College), Kolkata-700009  
E-mail: [suchhanda71@gmail.com](mailto:suchhanda71@gmail.com)

### Abstract

Every individual is entitled to some basic rights which can be termed in general as human rights. These rights are essential for the development of an individual's personality including women. The constitution makers in India were well aware of the subordinate position of women in the society. So they made considerable efforts to uplift their condition through constitutional means. Yet there remains a wide gap between theory and practice in India as far as women's human rights are concerned. This paper shall try to focus on this gap by analyzing the human rights available to women in India and how these rights are continuously being violated at various levels. Finally it will also highlight some of the strategies that can be adopted to narrow down this gap.

**Keywords:** Human rights, women, constitutional provisions for women, gap in theory and practice, violation of women's rights, multidimensional strategy.

As a human being, every individual is entitled to some basic rights which can be termed in general as human rights. These rights are essential for the development of an individual's personality. In India, the issue of human right is complicated due to the country's huge size & population, poverty, lack of education & also its cultural diversity. The UN in its Millennium Summit in 2000 stated that Gender Equality & Women Empowerment is a major Millennium Development goal to be achieved by 2015.<sup>1,2</sup> However, in India, these goals are far from being realized so far.

The Constitution makers in India were well aware of the weak & subordinate position of women in the society. So they made considerable efforts to uplift their condition through constitutional means. However, there still remains a wide gap between theory & practice in India as far as women's human rights are concerned. This paper shall try to focus on this gap by analyzing firstly the human rights available to women in India & secondly how these rights are continuously being violated at various levels. Finally, it will also highlight some of the strategies that can be adopted to narrow down this gap & realise UN's Millennium Development, goal on gender equality in India to some extent.

Analysing the Indian constitution, we find that the constitution has granted equal rights to men & women.<sup>3</sup> The state shall not deny to any person equality before law or the equal protection of laws within the territory of India (Article 14). The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex & place of birth or any of them. (Art. 15). The state has been directed to provide for maternity relief to female workers (Art. 42). It is the fundamental duty of every citizen of India to respect the dignity of women. (Art. 51-A). The protection of Human Rights Act, 1993, has been passed by the Parliament for the proper implementation of Art.51-A. To achieve women empowerment in India, our Parliament has taken several steps through some significant legislations, like Equal Remuneration Act, Prevention of Immoral Traffic Act, the Sati Prevention Act, Dowry Prohibition Act etc. Apart from these, the 73<sup>rd</sup> & 74<sup>th</sup> Constitution (Amendment) Act provided for 33% reservation for women in both Panchayat & Nagarpalika institution.<sup>1,4</sup> These amendments have no doubt opened the path of women empowerment at the local level. The National Commission for Women has been established in India in 1990 to deal with women's issues & protect their rights (Ref. 4). The NCW vigilates the cases relating to the violation of women's rights. They have constantly kept the Government under pressure to pass stringent laws regarding rape cases, domestic violence & enhanced punishment for offences against women. The Commission also demanded to introduce separate criminal code for women.

Thus, constitutionally various efforts have been undertaken to improve the position of women in India but the idea of gender equality is miles away from reality. The basic rights guaranteed to women by our Constitution have often been violated by the traditional practices or by the prevailing social conditions. The following issues faced by Indian women till today identify the gap between theory & practice of human rights discourse in India.

Human rights abuse of women in India starts from the mother's womb.<sup>5</sup> Even before birth, the practice of female foeticide, infanticide & sex-selective abortion has led to lop-sided sex-ratio in India. Even though the Government of India has declared pre-birth sex determination as unlawful, still it is widely prevalent in many North Indian states like Hariyana, Rajasthan & Punjab. Moreover, preference for a male child is rooted in the patriarchal system of Indian society, where a son is considered to be the major contributor to the family's workforce and the inheritor of property. This can lead to sheer neglect of the female child who often suffer from intentional mal nourishment. Even after birth, girls from poor families are often sold by the brokers & there are cases of women missing from their marital houses.

One of the serious problems found in India since ages is dowry death which is increasing at an alarming rate (Thousands of young married women in India are routinely tortured & murdered by) husbands and in-laws who want more dowry from the bride's parents. According to a report of the National Crime Records Bureau in 2012, around 8233 newly wedded brides were killed for dowry. Although section 498A of the Indian Penal Code strongly declared taking & giving dowry as a crime, still it is widely in practice here. The Dowry Prohibition Act has not been properly

operative in India. In most of the states there is no Dowry prohibition officer & it is not obligatory to put in writing the things received or given.<sup>1</sup>

Normally & conventionally house-hold is considered to be the most secured & appropriate place for women. But unfortunately it is in the home where the women is often exposed to violence. In spite of having the Protection of Women from Domestic Violence Act 2005, domestic violence remains a serious problem.<sup>4</sup> The main causes behind such violence include demand for more dowry, claiming women's self acquired property, desire for male child, alcoholic husbands. Domestic violence can take the form of mental & physical torture by husband and in-laws, abusing & insulting women by using vulgar language, slapping, hitting, sexual harassment, molestation, immoral traffic, rape & other public humiliation. A huge percentage of women suffer from domestic violence, especially in the states of Bihar, U.P., M.P. & other Northern states.

In the recent years, there has been a significant increase in the number of rape cases in India. In rape cases, the victim has to prove that she has been raped, which itself is derogatory to a women's dignity. Often the victim feels awkward to undergo medical examination immediately after facing the trauma of physical assault. Sometimes the victim is ostracized by her own family members. In the rural areas, the upper caste men often use gang rape as a strategy to dominate the member of the lower caste groups. According to the National Crime Records Bureau, in 2012, 25000 rape cases were reported.<sup>1</sup>

In India, the Child Marriage Act 2006 prohibits child marriage & declares 18 years to be the marraigable age for girls. But a girl child is considered as a sort of financial burden to the family & so till now the practice of child marriage continues. Actually, the issue of child marriage is linked to poverty, illiteracy, dowry, landlessness & other social evils. Child marriage robs off a girl child the innocence of her formative years necessary for physical & psychological development. Child marriage can result in widowhood, lack of education, lack of economic independence, lack of freedom to choose own life partner, poor health conditions due to pre mature pregnancies in an unprepared physical & psychological state etc.

Right to education is not only one of the basic human rights, but also an important tool for women empowerment. Although Art. 21 of our constitution makes it compulsory for the Government to provide free education to everybody, the condition of women education in India is not at all satisfactory.<sup>4</sup> There still remain a wide gap between the literacy levels of men & women. The retention rate of girls in school is much lower compared to their male counterparts. Particularly in the rural areas, there has been increasing case of dropout of girl students. Girls are more utilized to look after house-hold work or as seasonal labour during the cultivation period. Parents generally take more interest in male child's education & do not want to invest for the female child. Thus there remains a huge gap between literacy levels of men & women in India in spite of the fact that there has been an improvement in the literacy rate after independence.

As far as women's political participation is concerned, India bears a poor scenario. Till now, women have poor representation in higher political institution, Parliament &

provincial Legislatures. Indian politics is undoubtedly male-dominated and even the political parties are little interested to provide platform to women in decision making.<sup>4</sup>

There is often the violation of women's Right to property in India. In most Indian families, women do not own property in their name & neither do they get share of parental property. The status of widows remain even more vulnerable. They are often evicted from their matrimonial home. A separated or divorced woman with no land or property has little social security in our country.

Women, from their childhood, are deprived of the Right to health. Compared to male child, a female child often suffers from excessive malnutrition due to disproportionate distribution of food between them within the family. Normally, male members take food before the females. A girl's diet is inferior to a boy's both in quality & quantity, for which they are more prone to infections & diseases. Moreover the families often spend less on treatment & medication for girls than for boys.

Article 21 of our Constitution includes Right to live with dignity, which is equally applicable to women. But even today issues like sexual harassment at work place, eve-teasing, denial of the Right to equal opportunity for employment & right to get equal wages for equal work to the women continues.<sup>6</sup> Different religious communities, village communities or professional bodies often discriminate in their treatment towards women.

Thus, the violations of women human rights in India are very much against the notion of gender equality. Patriarchy impinges on every sphere of a woman's life. In order to do away with such rampant violation of women's human rights, a multi-dimensional strategy must be developed.<sup>1</sup> The state society & family are expected to provide the necessary support in dealing with the problem of violence against women. Continuous emotional & financial assistance towards victims are required both from the formal sectors like legal system, police, medical & health set-ups as well as informal sectors including family, friends & community groups. It is not enough for women to achieve economic independence. Simultaneously they should be aware about their legal & human rights.<sup>7</sup> Gender-sensitization of Police & Judiciary is the need to the hour. The various women's organizations & NGOs on working women's issues need to reinforce confidence & self reliance among women. Issues on gender equality and human rights should be included in the curriculum at the school, college & university level. Above all there should be change in the attitudes and cultural norms of society towards women. Thus, UN Millenium Development goal on Gender equality can only be realized in India when self-respect & practical enjoyment of human rights for women becomes the order of the day.

## References

1. 'Women's Rights in India: Problems and Prospects', Saryal Sutapa in International Research Journal of Social Sciences, Volume 3 (7), July 2014.
2. Women's Rights are Human Rights – UN Publication 2014.

3. The Constitution of India: Bare Act with short notes for students, Khan A. R, Access Publishing India Private Limited, New Delhi 2013.
4. Women in Indian Society, Desai Neera and Thakkar Usha, National Book Trust India, New Delhi 2001.
5. Where Daughters are Unwanted, Kishwar Madhu, Manushi 1995
6. Human Rights, Justice and Constitutional Empowerment, Raj Kumar C and Chockalingam (edited), Oxford University Press, New Delhi 2007.
7. Gender and Politics in India, Menon Nivedita (edited), OUP, New Delhi 1999.