



Violation against women in India and human rights

¹ Gagandeep Dhaliwal ² Dr. Ashwani Kumar

¹ Research Scholar, Political Science, NIILM University Kaithal, Haryana, India

² Assistant Professor, Political science, NIILM University Kaithal, Haryana, India

Abstract

Violence against women in India is an issue rooted in societal norms and economic dependence. Female feticide, domestic violence, sexual harassment and other forms of gender-based violence constitute the reality of most girls' and women's lives in India. In our society, many women are violently treated by their intimate partners while they suffer in silence. Violence against women in its various forms is a violation of human rights. It deprives women of their ability to enjoy fundamental freedom. It is an obstacle to equality and rights. Violence against women intersects with multiple forms of discrimination. The constitution of India jointly guarantees the equality of rights of men and women. However, within the sphere of women's human rights in India, there exists a good gap between theories and observe. In our society could be a male dominated society wherever men are continuously assumed to be superior to society. The India women's need to face to discrimination, injustice and dishonor. The women's in India are given a lot of rights as compared to men, even then the condition of women in India is miserable. This paper can throw light on the human rights of women in India. Which however all the elemental rights given to the women are being profaned in India, by that specialize in the varied crimes done against them.

Keywords: human rights, violation, women, women human rights, crime against women

Introduction

"Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."

Violence against women is present in every country, cutting across boundaries of culture, class, education, income, ethnicity and age. Since time immemorial India is particularly a male dominated society and prevalence of illiteracy among women has resulted in wide spread violence against women. Therefore, Indian women like women world over have suffered from domestic violence like purdah system, satipratha, Female feticide, Female infanticide, different kinds of physical, emotional and mental abuse, dowry death, cruelty, polygamy etc. In India, family is considered to be a sacred institution and it acts as a source of furtherance of mental, social and spiritual well-being of its members. Family creates bonds and a sense of belonging and stability of relation among its members which is now weakening because today domestic violence has been identified as a major cause of injuries to women in India. It is a heinous crime for a society that is operating in a severe form of oppression against women and which has been increasing with alarming proportion. Today with growing urbanization and increasing stress and strains in daily life, domestic violence against women has been increasingly recognized as an important social and health problem in India. It is one of the greatest obstacles to (1) gender equality and (2) women's

fundamental rights to equal protection of the laws and (3) right to life and liberty. (4) Right to freedom –Article 19-22.

Objectives of the Study

- To study various dimensions of human rights violation among women such as crime against women and physical, mental and sexual violence faced by women
- To learning the Constitutional Provisions and Initiatives taken by government for protecting the rights of women.

Human Rights – Definitions

Mahatma Gandhi, an apostle of non-violence, wrote with passionate sincerity long decades ago: The contrast between the rich and the poor today is a painful sight. A non-violent system of Government is clearly an impossibility, so long as the wide gulf between the rich and hungry millions persists. The contrast between the palaces of New Delhi and the miserable hovels of the poor laboring class nearby, cannot last one day in a free India in which the poor will enjoy the same power as the richest in the land. A violent and bloody revolution is a certainty one day, unless there is voluntary abdication of the riches and the power that riches give and sharing them for the common good.

Constitutional Provisions

The Constitution of India not solely grants equality to ladies however jointly empowers the State to adopt measures of positive discrimination in favor of girls for neutralizing the additive socio economic, education and political disadvantages sweet-faced by them. Fundamental Rights, among others, ensure equality before the law and equal

protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 19, 20, 21, 22 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

Legal Provisions

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories.

(1) The Crimes Identified Under the Indian Penal Code (IPC)

1. Rape (Sec. 376 IPC)
2. Kidnapping & Abduction for different purposes (Sec. 363-373)
3. Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
4. Torture, both mental and physical (Sec. 498-A IPC)
5. Molestation (Sec. 354 IPC)
6. Sexual Harassment (Sec. 509 IPC)
7. Importation of girls (up to 21 years of age)

(2) The Crimes identified under the Special Laws (SLL) Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts have special provisions to safeguard women and their interests like

1. The Family Courts Act, 1954
2. The Special Marriage Act, 1954
3. The Hindu Marriage Act, 1955
4. The Hindu Succession Act, 1956 with amendment in 2005
5. Immoral Traffic (Prevention) Act, 1956
6. The Maternity Benefit Act, 1961 (Amended in 1995)
7. Dowry Prohibition Act, 1961
8. The Medical Termination of Pregnancy Act, 1971
9. The Contract Labour (Regulation and Abolition) Act, 1976
10. The Equal Remuneration Act, 1976
11. The Prohibition of Child Marriage Act, 2006
12. The Criminal Law (Amendment) Act, 1983
13. Indecent Representation of Women (Prohibition) Act, 1986
14. Commission of Sati (Prevention) Act, 1987
15. The Protection of Women from Domestic Violence Act, 2005

Violation of Women Rights in India

Gender Discrimination

Discrimination against the girl child starts the moment 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 feticide 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. In India, men are always assumed to be superior to women and are given more preference. The „World Human Rights 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.

Violation of Right to Equality

Discrimination against the girl child starts the moment she enters into the mother's womb. Gender discrimination, female feticide and female infanticide. Is common in India, so here “right to life” is denied to women. In India, men are always assumed to be superior to women and are given more preference. A girl is considered a burden by parents and they preferred male child because they think only male child is able earn for family and the sources of family income will increase. Since a girl child would be going to her husband's place upon marriage, the parents do not want to waste their resources on her upbringing. Again the demand for large dowry and the huge wedding expenses caused a lot of hardship to the parents. So, the parents preferred a male child as they would be able to bring in large dowry.

Violation of Right to Education

Right to Education is the basic fundamental human right. The literacy rate in 2011 census was 74.04%: 65.46% among females and 82.14% among males. The position of women's education in India is bad shape. Especially in rural India women are not aware even the value of education in fact they give more preference on their male child education. 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. Though female employment rate is high in rural areas, they were engaged mainly in unskilled job but in urban areas due to better education were engaged in variety of jobs. Education especially female education is a major factor influencing health. It leads to better utilization of health. care and greater community/ political participation. There were numerous reports of schools refusing admission or denying entry to underprivileged students. Across the country more than eight million children between six and 14 years of age remained out of school. UNICEF estimated that school attendance among Women dropped from 86 percent in primary school to 59 percent in secondary school. Potential causes included family pressure, lack of secondary schools in rural areas, and poor quality of school facilities, including a lack of dedicated sanitation facilities for Women.

Violation of Political Right

The political status of women in India is very unsatisfactory, particularly their representation in higher political institutions. In rural India Specially among Muslim, they are not even permitted to go for their valuable vote though they are citizen of India. Their political Rights are denied and the representation of women in political participation is very low. The government has made 33% reservation of seats for

women in Parliament and Provincial Legislation but inspire of willingness of women they don't get their family support for contrasting election.

Violation of Right to Property

In most of the Indian families, women do not have own property in their own names and unable to share the parental property. Though, women have been given rights to inheritance, but the son 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. The married daughters facing harassment have no rights in ancestral home.

Violation of Right from Society, State and Family System: Child Marriage

Child wedding has been historically current in India and continues to the present date. Discrimination against the woman begins even before their birth and continues as they grow. According to the law, a woman cannot be married till she has reached the age of eighteen a minimum of. However, the woman in India is taken as a burden on the family. Typically, the marriages are unit settled even before the birth of the kid. In south India, marriages between cousins is common as they believe that a lady is secured as she has been married among the kindred. Elders additionally believe that it is straightforward for the kid – bride to adapt to new setting further because it is simple for others to mould the kid to suit their family setting. Some believe that they marry women at an early age therefore to avoid the danger of their widowed daughters obtaining pregnant. This shows that the explanations for kid marriages in India are unit therefore unwarranted. This development of kid wedding is joined to impoverishment, illiteracy, dowry, landlessness and alternative social evils. The impact of kid wedding is widowhood, inadequate socialisation, education deprivation, lack of independence to pick out the life partner, lack of economic independence, low health/nutritional levels as results of early/frequent pregnancies in an unprepared status of young bride. However, the Indian boys ought to suffer less thanks to male dominated society. Around four-hundredth kid marriages occur in India. A study conducted by „Family Designing Foundation“ showed that the mortality rates were higher among babies born to women's below eighteen. Another study showed that around 56% women from poorer family's are unit married underage and have become mothers. So, all this indicated that immediate steps ought to be taken to prevent the evil of kid wedding.

Rape

Young Women's in India typically are the victims of rape. Nearly 255 of rapes are of Women's beneath sixteen years older. The law against rape is unchanged from one hundred twenty years. In rape cases, it is terribly torturing that the victim has got to prove that she has been raped. The victim finds it troublesome to bear examination like a shot when the trauma of assault. Besides this, the family too is reluctant to usher in prosecution because of family status and laborious police procedures.

Domestic Violence

Wife beating, abuse by alcoholic husbands are the violence done against women which are never publicly 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 another cause of such violence. The pity women are unwilling to go to court because of lack of alternative support system. Thus, all these violence done against women raises the question mark that how these special rights being 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 men one day? All these questions are still unanswered. There is still long way to go to answer such questions

Effect on the victim and the family Physical Effect

Bruises, broken bones, head injuries, lacerations and internal bleeding are some of the acute effects of a domestic violence incident that require medical attention and hospitalization (Jones, 1997). Violence relationship experience greater risk of miscarriage, pre-term labor and injury to or death of fetus.

Psychological Effect

Among victims who are still living with their perpetrators, high amounts of stress, fear and anxiety are commonly reported. Depression is also common, as victims are made to feel guilty for 'provoking' the abuse and are frequently subjected to intense criticism. It is reported that 60% of the victims meet the diagnostic criteria for depression, either during or after termination of the relationship, and have a greatly increased risk of suicidality (Barnett, 2001). The most commonly referenced psychological effect of domestic violence is Post-Traumatic Stress Disorder (PTSD).

Effect on Children

There has been increase in acknowledgement that a child who is exposed to domestic abuse during his upbringing will suffer in his development and psychological welfare (Dodd, 2009). Some emotional and behavioral problems that can result due to domestic violence include increased aggressiveness, anxiety, and changes in how a child socializes with friends, family and authorities. Problems with attitude and cognition in schools can start developing, along with a lack of skills such as problem-solving. Correlation has been found between the experience of abuse and neglect in childhood and perpetrating domestic violence and sexual abuse in adulthood (Sadler, 1994). Additionally in some cases the abuser will purposely abuse the mother in front of the child to cause a ripple effect, hurting two victims simultaneously.

Conclusion

We can conclude with proved conviction that widespread violation of women's human rights has become a matter of serious concern. The social condition is not conducive for the protection of women's human rights and that the protective laws make little meaning in the lives of majority of women. The problems of Human Rights Violations are a worldwide phenomenon and almost all the countries are facing the grim

situations of violations. The violation of women has been increasing day by day in India. Only legislation and law enforcement agencies cannot prevent the incident of crime against women. There is need of social awakening and change in the attitude of masses, so that due respect and equal status is given to women. It is a time when the women need to be given her due. This awakening can be brought by education campaign among youth making them aware of existing social evils and the means to eradicate same. So, Government and Non-Government Organizations, citizens should undertake proper steps for reducing and prevention of Human Rights Violation of women in India. All this could go a long way in ensuring a violence- free life for women.

References

1. Agarwal, Amita. Human Rights of Women in India and International Standards in M.P. Dube& Neeta Bora (Ed.)- Perspectives on Human Rights.
2. Jalbert E Susanne. Women Entrepreneurs in the Global Economy, 2000.
3. Shashi, Krishan. Indian Democracy and Women"s Human Rights. Madhya Pradesh Journal of Social Sciences, 2008.
4. Kumar A Dr. Article 21 of Indian constitution: Provide protections of life and liberty" International Journal of Advanced Research and Development. 2017; 2(5):213-217.
5. Poonam Dhanda. Status of Women in India. RBSA publications. 2012, 1-14.
6. Madhurima. Readings in sociology. New Academic publishing co. 2010, 216-233.
7. Bano, Afsar. Indian Women, Kilaso Books, New Delhi, 2003.
8. Gonsalves Lina. Women and Human Rights, A.P.H Publishing Corporation, New Delhi, 2008.
9. Jatava DR. Violation of Human Rights, ABD Publishers, Joypur, India, 2007.
10. National Crime Records Bureau (2008), Ministry of Home Affairs, Government of India, 2008.
11. Samaddar, Ranabir. State of Justice in India- Issues of Social Justice, Sage Publication, 2003.
12. Yasin AU, Upadhyay A. Human Rights, Akansha Publishing House, New Delhi, 2004.