

Violation of women human rights in India

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Abstract

We can see that each day all over paper News, T V channels and Electronic devices are presenting to the violation of Human Rights of Women in India. Human rights are those minimum rights that are obligatorily accessible by each individual as she could be a member of human family. The constitution of India conjointly 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 theory 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 human rights, crime against women

Introduction

"Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights and keep them. Our strength is our unity of purpose. To that high concept there can be no end save victory."

- Franklin D. Roosevelt

Human rights belong to individuals by virtue of being human, encompassing civil, political, economic, social and cultural rights and freedoms, and based on the notion of personal human dignity and worth. Most of the basic ideas and norms of human rights existing now adopted as Universal Declaration of Human Rights by United Nations General Assembly in 1948. The constitution of India also guarantees the equality of rights of men and women. According to article 14 – "The State shall not deny to any person equality before law or the equal protection of laws within the territory of India". And 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 a wide gulf between theory and practice. The 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 is always discriminated and dishonoured in Indian society. The United Nations Declaration on the Elimination of Violence against Women (1993) defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" In 1999, the General Assembly designated November 25 every year to be celebrated as the International Day for the elimination of Violence against Women. The

phenomenon of Human Rights Violation is increasing day by day in India.

Objectives of the study

- To revision the 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.
- To analysis certain gender specific violation as Human Rights Violation among women in context of India.

Methodology and Data Source

In this paper, an attempt has been made to study the violation of women rights in India and government initiatives such as law and various Acts for securing and protecting women rights. The methodology of this paper is descriptive and required information's are collected from different secondary sources like books, research articles, different publications relating to women rights, domestic violence, crimes against women and government documents etc.

Women Human Rights In India:

- 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.

Violation of women rights in India

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 to reproductive health: According to the 2012 UN Population Fund State of World Population Report, the maternal mortality ratio was 200 deaths per 100,000 live births in 2010. The major factors influencing the high maternal mortality rate were lack of adequate nutrition, medical care, and sanitary facilities. Most of the women suffer from anemia, low weight due to the inferior quality diet. Though women make cook but still they have to take meal after male member in the family. According to the World Bank report, malnutrition is the major cause of female infertility. Boys are given more nutritious foods like milk, eggs, butter, ghee, fruits, and vegetables as compared to Women. Lack of healthcare facilities and poverty has been resulting in India accounting for 27% of all maternal deaths worldwide.

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 lady begins even before their birth and continues as they 7 grow. According the law, a lady cannot be married till she has reached the age of eighteen a minimum of. However the lady in India is taken as a burden on the family. typically the marriages area 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 marries among the kindred. Oldsters 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 on avoid the danger of their widowed daughters obtaining pregnant. This shows that the explanations for kid marriages in India area unit therefore unwarranted. Basically, 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 a 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 Womens below eighteen. Another study showed that around 56% women from poorer families area 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.

Dowry Harassment and Bride Burning

The demand of dowry by the husband and his family so killing of the bride as a result of not conveyance enough dowry to the in – laws has become a really common crime lately. In spite of the dowry prohibition Act gone by the govt., that has created dowry demands in wedding misappropriated, the dowry incidents area unit increasing day by day. in line with survey, around 5000 Women die annually owing to dowry deaths and a minimum of a dozen die on a daily basis in “kitchen fires”.

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

Violation of right to equal opportunity for employment and right to get equal wages for equal work

The law prohibits discrimination in the workplace, but employers paid women less than men for the same job, discriminated against women in employment is common problem in India. 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. Women mostly work in light industries as they are unsuitable for work in heavy industries. Also, most of the women work in unorganized sector where the wages tends to be very low. About 94% of the total working women are in unorganized sector (ICSSR, Status of Women in India, 1971-74, p.63.).

Crime against Women

The principle of gender equality is enshrined in the

Constitution of India. In order uphold and implement the Constitutional Mandate, the State has enacted various laws and taken measures intended to ensure equal rights, check social discrimination & various forms of violence and atrocities. Although women may be victims of any of the general crimes such as ‘murder’, ‘robbery’, ‘cheating’, etc. only the crimes which are directed specifically against women i.e. gender specific crimes are characterised as ‘Crimes against Women’. Various new legislations have been brought and amendments have been made in existing laws with a view to handle these crimes effectively. These are broadly classified under two categories.

(1) Crime Heads under the Indian Penal Code (IPC)

1. Rape (Sec. 376 IPC) \$

2. Attempt to commit Rape (Sec 376/511 IPC)*

3. Kidnapping & Abduction of Women (Section 363, 364, 364A, 365, 366 to 369 IPC)

3.1 K&A under section 363 IPC*

3.2 K&A in Order to Murder*

3.3 K&A for Ransom*

3.4 K&A of Women to Compel Her for Marriage*

3.5 K&A for Other Purposes*

4. Dowry Deaths (Section 304B IPC)

5. Assault on Woman with Intent to Outrage Her Modesty (Sec. 354 IPC)

5.1 Sexual Harassment (Sec.354A IPC)*

5.2 Assault on Woman with Intent to Outrage her Modesty (Sec. 354C IPC)*

5.3 Voyeurism (Sec. 354D IPC)*

5.4 Others *

6. Insult to the Modesty of women (Sec. 509 IPC)

6.1 at Office Premises*

6.2 at Places Related to Work*

6.3 in Public Transport*

6.4 in Other Places*

7. Cruelty by husband or his relatives (Sec. 498A IPC)

8. Importation of Girl from Foreign Country (up to 21 years of age) (Sec. 366 B IPC)

9. Abetment of Suicide of Women (Sec. 306 IPC)*

(2) Crime Heads under the Special & Local Laws (SLL) Special Acts enacted for protection and safety of women have been clubbed under SLL These gender specific laws in which criminal cases recorded by police throughout the country are –

1. The Dowry Prohibition Act, 1961

2. The Indecent Representation of Women (Prohibition) Act, 1986

3. The Commission of Sati Prevention Act, 1987

4. The Protection of women from domestic Violence Act, 2005*

5. The Immoral Traffic (Prevention) Act, 1956#

Incidence of Crimes against women in India

A total of 3,27,394 cases of crime against women (both under various sections of IPC and SLL) were reported in the country during the year 2015 as compared to 3,37,922 in the year

2014, thus showing a decline of 3.1% during the year 2015. These crimes have continuously increased during 2011 - 2014 with 2,28,650 cases in 2011, which further increased to 2,44,270 cases 2012 and 3,09,546 cases in 2013, to 3,37,922 cases in 2014. It declined to 3,27,394 in 2015.

Uttar Pradesh with 16.8% share of country's female population has reported nearly 10.9% of total crimes committed against women at all India level, by registering 35,527 cases and West Bengal accounting for nearly 7.4% of the country's female population, has accounted for 10.1% of total cases of crimes against women in the country by registering 33,218 cases during the year 2015.

Crime Rate

(Crime rate- 53.9)

The crime rate under crimes against women was reported as

53.9 in 2015. Delhi UT has reported the highest crime rate (184.3) compared to 56.3 at all India level during the year 2015, followed by Assam (148.2), Telangana (83.1), Odisha (81.9), Rajasthan (81.5), Haryana (75.7) and West Bengal (73.4).

Trend Analysis

The crime head-wise details of cases reported under crimes against women during the year 2011 to year 2015 along with percentage variation are presented in Table-1(A). The cases of crimes against women during the year 2015 have decreased by 3.1% over the year 2014 and increased by 43.2% over the year 2011. The IPC component of crimes against women has accounted for 96.1% of total crimes and the remaining 3.9% were SLL crimes against women.

Table 1(A): Crime head-wise cases registered under crime against women during 2011 - 2015 and percentage variation in 2015 over 2014

Sl. No	Crime head	Year					Percentage variation in 2015 over 2014
		2011	2012	2013	2014	2015	
1	Rape#	24,206	24,923	33,707	36,735	34,651	-5.7
2	Attempt to Commit Rape*	-	-	-	4,232	4,434	4.8
3	Kidnapping & Abduction of Women	35,565	38,262	51,881	57,311	59,277	3.4
4	Dowry Deaths	8,618	8,233	8,083	8,455	7,634	-9.7
5	Assault on Women with Intent to Outrage her/his Modesty	42,968	45,351	70,739	82,235	82,422	0.2
6	Insult to the Modesty of Women	8,570	9,173	12,589	9,735	8,685	-10.8
7	Cruelty by Husband or His Relatives	99,135	1,06,527	1,18,866	1,22,877	1,13,403	-7.7
8	Importation of Girl from Foreign Country	80	59	31	13	6	-53.8
9	Abetment of Suicide of Women	-	-	-	3,734	4,060	8.7
A.	Total IPC Crime against Women	2,19,142	2,32,528	2,95,896	3,25,327	3,14,575	-3.3
10	Commission of Sati Prevention Act	0	0	0	0	0	0
11	Indecent Representation of Women (P) Act	453	141	362	47	40	-14.9
12	The Dowry Prohibition Act	6,619	9,038	10,709	10,050	9,894	-1.5
13	Protection of Women from Domestic Violence Act	-	-	-	426	461	8.2
14	Immoral Traffic (Prevention) Act	2,436	2,563	2,579	2,070#	2,424	17.1
B.	Total SLL Crime against Women	9,508	11,742	13,650	12,593	12,819	1.8
	Total(A+B)	2,28,650	2,44,270	3,09,546	3,37,922	3,27,394	-3.1

*'Newly included crime head; # Exclude child rapes registered under the section 4 & 6 of Protection of Children from Sexual Offence Act 2012 which published separately in Chapter-6.

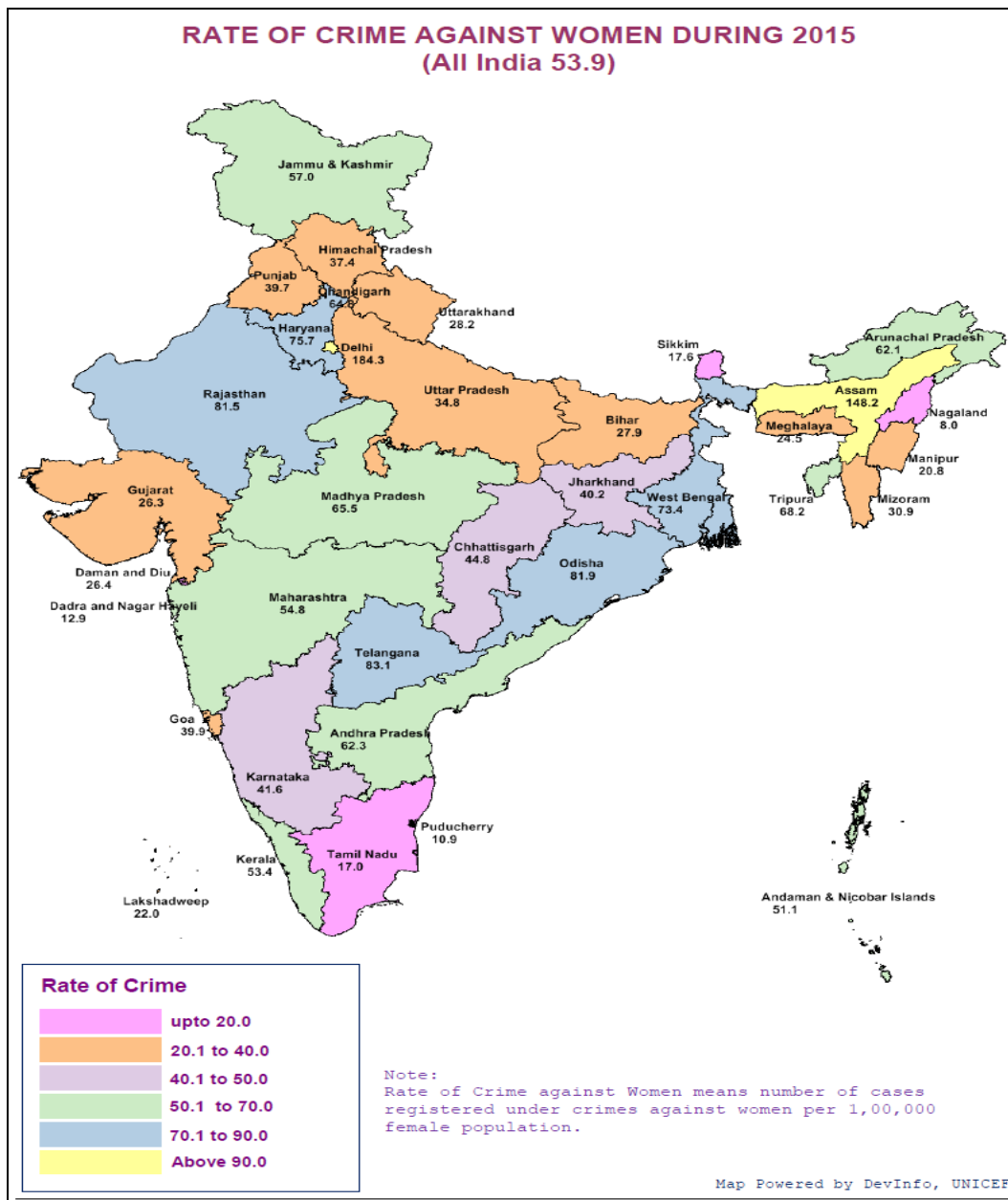


Fig 1: Crime in India-2015#

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.

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