

## CRITICAL ANALYSIS OF STATUS OF WOMEN RIGHTS IN INDIA

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### 1. INTRODUCTION :

The constitution of India has granted equal rights to the men and women. According to Art. 14 – “The State shall not deny to any person equality before law or the equal protection of laws within the territory of India”. Art. 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. Although various efforts have been 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 a 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 6 most dangerous states in India in terms of crimes against Women

RANK	NAME OF THE INDIAN STATE	PERCENTAGE OF CRIMES AGAINST WOMEN IN INDIAN STATES
1	UTTAR PRADESH	10.9
2	WEST BENGAL	10.1
3	MAHARASHTRA	9.5
4	RAJASTHAN	8.6
5	MADHYA PRADESH	5.8
6	ASSAM	7.1

Source: Crimes in India – 2015, NCRB, Ministry of Home Affairs

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 heard the men as a victim 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. The paper will study the various human rights of women in India and how they are being violated. Although special rights are being given to woman as compared to men, yet they are least beneficial to them.

## 2. RIGHTS OF WOMEN 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.

## 3. VIOLATION OF WOMEN RIGHTS:

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

### 3.1 VIOLATION OF WOMEN RIGHTS IN PAST:

The Indian women exploitation is not the present phenomenon. Rather she is being exploited from the early times. The women in Indian society never stood for a fair status. The following crimes were done against the women in the past times.

#### **DEVADASIS:**

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

#### **JAUHAR:**

Jauhar refers to practice of the 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.

#### **PURDAH:**

Purdah is a practice among some communities of requiring women to cover their bodies so as to

cover their skin and conceal their form. It curtails their right to interact freely and it is a symbol of the subordination of women.

#### **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, it is believed to have been sometimes forced on the widow.

#### **4. CURRENT STATUS OF WOMEN RIGHTS IN GENERAL:**

##### **RIGHT TO EQUALITY AND RIGHT TO PROTECTION AGAINST 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 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 are given more preference. The „World Human Rights Conference in Vienna“ first recognised gender – based violence as a human rights violation in 1993. The same was declared by "United Nations Declaration" in 1993.

##### **RIGHT TO EDUCATION:**

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. Young girls may be bought up to believe that they are suited only to certain professions or in some cases to serve as wives and mothers. Despite in the improvement in the literacy rate after independence, there continues to be 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.

##### **POLITICAL RIGHT:**

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 – representation which 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 party's give very little support to women in election 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.

##### **RIGHT TO PROPERTY:**

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. 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.

#### **RIGHT TO PROTECTION OF HEALTH:**

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 Punjab, 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 boy babies. 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 the 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 infections and diseases. The reason again is that families spend less on medication for girls than for boys.

#### **RIGHT TO EQUAL OPPORTUNITY FOR EMPLOYMENT AND RIGHT TO GET EQUAL WAGES FOR EQUAL WORK:**

The employment of the women in agriculture, traditional industries and in sizeable section of new industries is declining at a 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.

#### **RIGHT TO LIVE WITH DIGNITY: EVE TEASING AND SEXUAL ABUSE:**

Eve teasing is an act of terror that violates a woman's body, space 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 woman's ear; offensive remarks on her appearance; any intrusive way of touching any part of woman's body; a gesture which is perceived and intended to be vulgar: all these acts represent a violation of woman's person and her bodily integrity. Thus, eve teasing denies a woman's fundamental right to move freely and carry herself with dignity, solely on the basis of her sex. There is no particular places where eve – teasers congregate. No place is really "safe" for women. Roads, buses, train, cinema halls, parks, beaches, even a woman's house and neighbourhood may be sites where her self – worth is abused.

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**RIGHT FROM SOCIETY, STATE AND FAMILY SYSTEM :****1) CHILD MARRIAGE**

Child marriage has been traditionally prevalent in India and continues to this date. Discrimination against the girl begins even before their birth and continues as they grow. According to the law (Indian Penal Code, 1860), 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 daughters 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 socialisation, 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 rates were higher among babies born to women under 18. Another study showed that around 56% girls from poorer families are married underage and became 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 then killing of the bride because of not bringing enough dowry to the in – laws has become a very common crime these days. In 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 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 victims of rape. Almost 255 of rapes are of girls under 16 years of age. The law against rape is unchanged from 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 hard police procedures.

**4) DOMESTIC VIOLENCE:**

Beating wife, abuse by alcoholic husbands is 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.

**5. CONCLUSION :**

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

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**(Endnotes)**

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