

# Human Rights – Violation against Women

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## ABSTRACT

*Human Rights are basic right to which every individual is entitled as a human being. They are the minimum rights, which are compulsorily obtainable by every individual. The constitution of India also guarantees the equality of rights of men and women. However, in the sphere of women’s human rights in India, there exists a wide gulf between theory and practice. Indian society is a male dominated society where men are always considered to be superior. The women in India very often have to face discrimination, injustice and dishonor. Though women in India have been given more rights as compared to men, even then the condition of women in India is miserable. This paper will throw light on the human rights of women in India and also on how all the fundamental rights given to the women are being violated in India, by focusing on the various crimes done against them.*

**Keywords:- Women Rights, Violence, Crimes, Human Rights**

Human rights are what each human being is entitled to allow her/his freedom to live a dignified and secured life of choice<sup>1</sup>. Human rights should apply to all people - men, women and children irrespective of caste, creed, religion and region. However, women often denied of their basic rights. Women<sup>2</sup> constitute almost half of the world population. However, their enjoyment of rights equally with that of men is far from satisfactory. Womanhood has been revered in the ancient Indian culture as a manifestation of divine qualities. Womanhood is a symbol of eternal virtues of humanity expressed in compassion, selfless love and caring for others. The Indian philosophers of yore (the rishis) considered that the seeds of divinity grow and blossom in a truly cultured society where women are given due respect and equal opportunities of rise and dignity<sup>3</sup>.

The violence against women is prevalent all over the world irrespective of the cast and creed, religion and community developed as a social problem. The development<sup>4</sup> in science and technology has changed everything in the society women are still living with less responsibility. In day to day life women are facing violence in the society. Violence against women in India is on the rise. Despite the incredible social changes achieved by the country, the girl child has to remain brave and vigilant to overcome sexual defilement<sup>5</sup>. A recent study by the India’s’ Ministry of National Crime Record Bureau concluded that a woman is molested every 26 minutes and raped in every 34 in India. The report further showed that a woman is kidnapped every 43 minutes in India. (Crime in India 2012 Statistics, National Crime Records Bureau (NCRB), Ministry of Home Affairs, Govt of India, 2012)

**Table 1. Reported violence against women India 2008-2012**

Year	Reported Rapes	Domestic Violence	Reported Dowry deaths	Insult Outrage to Modesty	Violation of Immoral Traffic Act	Human trafficking
2008	21,467	81,344	81.72	40,413	26,59	67
2009	21,397	89,546	83.83	38,711	24,74	48
2010	22,172	94,041	83.91	40,613	24,99	36
2011	24,206	99,135	86.18	42,968	24,35	80
2012	24,923	106,527	82.33	45,351	25,63	59

Source Crimes against Women." National Crime Records Bureau, 2013.

The following are some of the areas of violation of human rights of women in India. In India there has been a significant increase in the numbers of **rape** cases in the last 10 years. According to National Crime Records Bureau, in 2012, 25000 rape cases were reported<sup>14</sup>. In India in the rural areas, particularly in Northern India, the upper caste people use mass rapes as a strategy to have power over the members of the lower caste groups. The brutal gang rape case in Delhi had led to the passage of a stricter Law i.e. The Criminal Law (Amendment) Act 2013 to deal with the rape cases in India.

In India the unusual dowry deaths of the women at their matrimonial home has been increasing at a startling rate. **Dowry** disputes are quite a serious problem. The National Crime Records Bureau in India in its report had disclosed that in 2012 around 8233 newly wedded brides were killed for dowry<sup>6</sup>. In spite of the fact that Section 498A of the Indian Penal code

strongly deals with the person responsible for marital cruelty and has declared taking and giving of dowry as a crime it is still been widely practiced in India. Infact 'The Dowry Prohibition Act' has not been adequately put into operation in India. It has been discovered that mostly a number of states neither have a Dowry Prohibition Officers nor do they made it obligatory to keep the record of things given and received.

Another type of violence is the girls from the poor families in India are sold off by the brokers to the men's in particularly in Northern India where the problem of imbalanced sex ratio is very much evident. Apart from these there are cases of **women going missing** from their marital homes.

In spite of the fact that in India we have 'Protection of Women from Domestic Violence Act 2005', **domestic violence** still remains a serious problem. Infact a major scale of violence that a woman is subjected to in India is linked to the domain of domesticity. The reasons for Domestic aggression are primarily ingrained in the patriarchal nature of the Indian society which supports such violence at home. Besides this the problem of alcoholics of husband or desire for endowments or a male child are some of the other factors liable for household brutalities in India. The domestic violence had taken the form of psychological and physical abuse against women like slapping, hitting, public humiliation, etc. Another mode of violence against women is **acid throwing**, that is a corrosive liquid capable of making burns over the body. Acid attack can lead permanent scarring blindness as well as social, psychological and economical difficulties to the victim. 34% of India's acid attack was mainly related to rejection of marriage<sup>7</sup>.

The initiative on a discourse on **sexual harassment of women** at their workplace in India started with Supreme Court's Vishaka guidelines in 1997. The provisions have never been successfully invoked because of social taboos still associated with sexual harassment<sup>13</sup>. In India the women are discriminated against in terms payment of remuneration for their jobs. This is true for both urban as well as rural areas. Women entrepreneurs often have to deal with more complications in getting credits to start their independent business.

**Child marriage** is being practised in different parts of India. Child Marriage Act 2006 prohibits child marriage and declares 18 years and 21 years as the marriageable age for the girls and boys. According to the National Population Policy, "over 50% of the girls marry below the age of 18, resulting in a typical reproductive pattern of 'too early, too frequent, too many', resulting in a high IMR<sup>8</sup>." Child marriage takes away from a girl child the innocence of her formative years of life necessary for physical, emotional and psychological development. Spousal violence especially sexual violence perpetrated by husbands has severe effect on the innocent mind and body of the child. Even today in India a number of children's are married off on the auspicious day of Akas Teej in Rajasthan.

The **preference for a son** is a phenomenon which is historically rooted in the patriarchal system of the Indian society. The strong preference for having a son emerged with the transition of the Indian society from primitive stage which used to be primarily a matrilineal to feudal stage where agriculture emerged as the primary established occupation of the people to be controlled by the male Thus, in such a patriarchal landowning society the sons were seen as the major contributor to the family workforce vis a vis a girl. The desires for a son often have an adverse effect on the health of the mother also. All these issues gradually led o the neglect of the female child who are often relgated to the background even in the present day Indian society.

The low status of women goes on with the practice of *infanticide, foeticide*, sex-selective abortion which has become common due to the amniocentesis technology, and mal-nourishment among girl children<sup>9</sup>. In India it is estimated that around "10 million female foetuses have been aborted in the last 20 years<sup>10</sup>". "The child sex ratio in Punjab declined from 894 in 1961 to 793 in 2001. In Haryana, the child sex ratio plummeted from 910 in 1961 to 820 in 20018." In spite of the fact that the Government of India have declared pre birth sex determination through the use of amniocentesis as unlawful, still Illicit termination of female foetuses by untrained nurses and staff is widely prevalent particularly in Northern states of India like Haryana, Rajasthan and Punjab. All these have resulted in the escalation of maternal mortality rate.

In India often the **widows are evicted** from their matrimonial home and are left alone to feed themselves and their children following the demise of their spouses. The UN Special Rapporteur on Adequate Housing argues: ". Very few women own land. A separated or divorced woman with no land and a family to care for often ends up in an urban slum, where her security of tenure is at best questionable"<sup>11</sup>. "There is increasing clinching evidence that, in poor households, women spend more on basic family needs, while men spend a significant part on personal goods, such as alcohol, tobacco, etc"<sup>12</sup>.

The communities and societies in India in most of the places are bound up with patriarchal normative universe from which women could hardly get true justice. The religious communities, village communities or the artificial communities like

professional bodies are hardly epitome of equality between men and women. Quite often the religious communities have made the life of the women worse by forcing them to adopt conservative practices that are harmful to women.

### CONCLUSION

Multi-layered strategy<sup>15</sup> need to be developed to assess the core causes of violence against women. The state and society must provide instantaneous support to victim-survivors to ensure that the victims can carry on with their daily life. In dealing with the problem of violence against women innovative levels of coordination and integration must be built up between government, civil society and the family. Violence against women can be curtailed only when cultural norms and attitudes towards the women can be changed for which change should be made in the school curriculum. Curriculum that educates the students at the school, college and university level on issues like human rights and gender issues should be included in their study material. Changing the mentality of people is not an easy task but quality education to children at primary stage to eradicate gender inequality and to bring about a change in typical thinking about women, will bring drastic change in the society. The international and national framework to protect rights of women has not attained satisfactory results. Finally collaboration between all classes of society may be suggested and Governmental, Non Governmental instruments, an effective and efficient Judiciary and conscious Media is the need of the hour.

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