

Women Human Rights – A Perspective

Dr. R. Raghurama Murthy,

Lecturer in Political Science, KSN Government Degree College (W), Ananthapuramu

Abstract

Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights. Women, all over the world, regularly suffer violations of their human rights throughout their lives, and realizing women's human rights has not always been a priority. Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination.

Human rights are those minimum rights which are compulsorily obtainable by every individual as he/she is a member of human family. 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 assumed to be superior to society. The women in India very often have to face discrimination, injustice and dishonour. Though women in India have been given more rights as compared to men, even then the condition of women in India is miserable.

The paper will throw light on the human rights of women in India and that how all the fundamental rights given to the women are being violated in India, by focusing on the various crimes done against them. It also analyzes constitutional rights, legal rights, and other most important rights that women should know. The paper concludes with the suggestion of few measures that should be adopted to make the life of women happier than the present.

Keywords: Violence, Human rights, forms of discrimination, atrocities, crimes

*"Human rights are women's rights and women's rights are human rights,
once and for all."*

- Hillary Clinton

The term 'human rights' denotes all rights that are present in our society and without which one cannot live as human beings. Human rights are the basic rights that a person irrespective of race, gender or any other background cannot be denied anywhere or at any condition. They are necessary to all humans that allow them to live in dignity. They ensure that everyone is protected against abuses that undermine their dignity. They also enable us to get equal opportunities to realize full potential and live without discrimination.

Women remain victims of inequality and injustice although they constitute half of the world's population. They are still lacking in position and power and become prey to violence and discriminatory practices. Violence against women and gender discrimination is not a unique feature of Indian society, but a universal phenomenon. Apartheid of gender exists almost in all society – east or west, developed or developing nations – irrespective of religious faith and economic system. They suffer deprivation, humiliation, and denial of basic human rights in almost all walks of life, everywhere, at every stage in varying degrees.

Violence against women and girls constitutes a grave violation of human rights and remains one of the greatest challenges to achieving gender equality. Girls and young women are particularly vulnerable to various forms of violence, which leaves deep and long term impacts on their lives, stifling their potential to grow, lead, prosper and thrive.

Women and girls are half of the human capital available to reduce poverty and achieve development. Yet gender-based violence undermines human rights, social stability and security, public health, women's educational and employment opportunities, and the well-being and development prospects of children and communities. Violence against women has enormous direct and indirect costs for survivors, employers and the public sector in terms of health, police, legal and related expenditures as well as lost wages and productivity. According to a study in India, a woman loses an average of at least five paid work days for each incident of intimate partner violence.

The Indian Constitution provides explicit guarantee of woman's right to equality. The principles of gender equality are enshrined in its Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles. Yet women remain deprived of the same, and are related to secondary status because of family norms, inequitable social customs, practices and social values that view women as burden and dependents with access to lesser opportunities for education and still lesser economic opportunities. Such a state clearly shows a wide gulf between theory and practice. 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.

The rights available to woman in India can be classified into two categories, namely as constitutional rights and legal rights. The constitutional rights are those which are provided in the various provisions of the constitution. The legal rights, on the other hand, are those which are provided in the various laws (acts) of the Parliament and the State Legislatures.

The rights and safeguards enshrined in the Indian Constitution for Women are:

1. The state shall not discriminate against any citizen of India on the ground of sex [**Article 15(1)**].
2. The state is empowered to make any special provision for women. In other words, this provision enables the state to make affirmative discrimination in favour of women [**Article 15(3)**].
3. No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex [**Article 16(2)**].
4. Traffic in human beings and forced labour are prohibited [**Article 23(1)**].
5. The state to secure for men and women equally the right to an adequate means of livelihood [**Article 39(a)**].
6. The state to secure equal pay for equal work for both Indian men and women [**Article 39(d)**].
7. The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength [**Article 39(e)**].
8. The state shall make provision for securing just and humane conditions of work and maternity relief [**Article 42**].
9. It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women [**Article 51-A(e)**].
10. One-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women [**Article 243-D(3)**].
11. One-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women [**Article 243-D(4)**].
12. One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women [**Article 243-T(3)**].
13. The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide [**Article 243-T(4)**].

The legislation that contain several rights and safeguards for women are:

1. Protection of Women from Domestic Violence Act (2005) is a comprehensive legislation to protect women in India from all forms of domestic violence. It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind—physical, sexual, mental, verbal or emotional.

2. Immoral Traffic (Prevention) Act (1956) is the premier legislation for prevention of trafficking for commercial sexual exploitation. In other words, it prevents trafficking in women and girls for the purpose of prostitution as an organised means of living.
3. Indecent Representation of Women (Prohibition) Act (1986) prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.
4. Dowry Prohibition Act (1961) prohibits the giving or taking of dowry at or before or any time after the marriage from women.
5. Maternity Benefit Act (1961) regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.
6. Medical Termination of Pregnancy Act (1971) provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.
7. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female foeticide.
8. Equal Remuneration Act (1976) provides for payment of equal remuneration to both men and women workers for same work or work of a similar nature. It also prevents discrimination on the ground of sex, against women in recruitment and service conditions.
9. Dissolution of Muslim Marriages Act (1939) grants a Muslim wife the right to seek the dissolution of her marriage.
10. Muslim Women (Protection of Rights on Divorce) Act (1986) protects the rights of Muslim women who have been divorced by or have obtained divorce from their husbands.
11. Family Courts Act (1984) provides for the establishment of Family Courts for speedy settlement of family disputes.
12. Indian Penal Code (1860) contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.
13. Code of Criminal Procedure (1973) has certain safeguards for women like obligation of a person to maintain his wife, arrest of woman by female police and so on.
14. Indian Christian Marriage Act (1872) contain provisions relating to marriage and divorce among the Christian community.
15. Legal Services Authorities Act (1987) provides for free legal services to Indian women.
16. Hindu Marriage Act (1955) introduced monogamy and allowed divorce on certain specified grounds. It provided equal rights to Indian man and woman in respect of marriage and divorce.

17. Hindu Succession Act (1956) recognizes the right of women to inherit parental property equally with men.
18. Minimum Wages Act (1948) does not allow discrimination between male and female workers or different minimum wages for them.
19. Mines Act (1952) and Factories Act (1948) prohibits the employment of women between 7 P.M. to 6 A.M. in mines and factories and provides for their safety and welfare.
20. National Commission for Women Act (1990) provided for the establishment of a National Commission for Women to study and monitor all matters relating to the constitutional and legal rights and safeguards of women.
21. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013) provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganized.

Besides the aforesaid, the most important eleven rights an Indian woman must know are:

1. **Women have the right to equal pay:** According to the provisions listed under the Equal Remuneration Act, one cannot be discriminated on the basis of sex when it comes to salary, pay or wages. Working women have the right to draw an equal salary, as compared to men. Women are eligible to get an equal pay under the laws of India.
2. **Women have the right to dignity and decency:** In an event that the accused is a woman, any medical examination procedure on her must be performed by -- or in the presence of -- another woman.
3. **Women have the right against workplace harassment:** The Sexual Harassment of Women at Workplace Act gives a female the right to file a complaint against any kind of sexual harassment at her place of work. Under this act, she can submit a written complaint to an Internal Complaints Committee (ICC) at a branch office within a period of 3 months.
4. **Women have a right against domestic violence:** Section 498 of the Indian Constitution looks to protect a wife, female live-in partner or a woman living in a household like a mother or a sister from domestic violence (including verbal, economic, emotional and sexual) by the hands of a husband, male live-in partner or relatives. The accused shall be punished with a non-bailable imprisonment for a term which may extend to three years and shall also be liable to fine.
5. **Female sexual assault victims have the right to keep their identity anonymous:** To ensure that her privacy is protected, a woman who has been sexually assaulted may

record her statement alone before the district magistrate when the case is under trial, or in the presence of a female police officer.

6. **Women have the right to get free legal aid:** Under the Legal Services Authorities Act, female rape victims have the right to get free legal aid or help from the Legal Services Authority who has to arrange a lawyer for her.
7. **Women have right not to be arrested at night:** Unless there is an exceptional case on the orders of a first class magistrate, a woman cannot be arrested after sunset and before sunrise. A woman cannot be arrested before sunrise and after sunset. In addition, the law also states that the police can interrogate a woman at her residence only in the presence of a woman constable and family members or friends.
8. **Women have the right to register virtual complaints:** The law gives women the provision for filing virtual complaints via e-mail, or writing her complaint and sending it to a police station from a registered postal address. Further, the SHO sends a police constable to her place to record her complaint. This is in case a woman is not in a position to physically go to a police station and file a complaint.
9. **Women have the right against indecent representation:** Depiction of a woman's figure (her form or any body part) in any manner that is indecent, derogatory, or is likely to deprave, corrupt or injure the public morality or morals, is a punishable offence.
10. **Women have the right against being stalked:** Section 354D of the IPC makes way for legal action to be taken against an offender if he/she follows a woman, tries to contact her to foster personal interaction repeatedly despite a clear indication of disinterest; or monitor the use by a woman of the internet, email or any other form of electronic communication. Stalking, in any form, is a crime.
11. **Women have a right to Zero FIR:** An FIR that can be filed at any police station irrespective of the location where the incident occurred or a specific jurisdiction it comes under, the Zero FIR can later be moved to the Police Station in whose jurisdiction the case falls under. This ruling was passed by the Supreme Court to save the victim's time and prevent an offender from getting away scot-free.

Measures to be taken:

1. **At Government Level:** Amongst immediate steps, the most important task of government is to arrest continuously deteriorating law and order situation. There should be vigilant policing round the clock at all places. More number of women police officers should be recruited immediately. Speedy and time-bound justice is needed urgently. Delayed justice emboldens the spirits of criminal-minded elements in society, who take committing a heinous crime. Reforming the structure and systems of governmental institutions engaged in the law-making and enforcement tasks are highly desirable, but it may take a longer time.

2. **At Non-Governmental Level:** Non-governmental organizations and institutions should conduct series of programmes, workshops, meetings at different places on various aspects of violence against women. They should discuss in depth the gravity, enormity and dangers of continuously deteriorating law and order positions, deteriorating human values, self-centred attitude of individuals and alarming rise in bestial acts against women, which makes it very unsafe for women to move freely outside their homes and try to find out remedy for it.
3. **At Society's Level:** Change in the mind-set. Gender sensitization is the need of the time. The attitude of conservative patriarchal society, which looks upon women as second-grade citizens – inferior to man – should be changed. A radical change in the mind-set of people is necessary to give women their rightful place in society without any gender-discrimination. People must be sensitized to treat women in a befitting manner.

To conclude, violence against women is an obstacle towards gender equality. Therefore, it is important to raise awareness on the women human rights would help in removing gender discrimination, curbing atrocities on women, and bringing equality among men and women.

References

1. <https://edugeneral.org/blog/polity/women-rights-in-india/>, dated August 3, 2017. Retrieved on 14-02-2019.
2. <http://www.unwomen.org/en/what-we-do/youth/action-on-ending-violence-against-young-women-and-girls>, Retrieved on 17-02-2019.
3. Clinton, Hillary Rodham. *United Nations 4th World Conference Speech. American Rhetoric. Quoted in Wikipedia. Retrieved on 20-02-2019.*
4. Dhanoa, Ritu. "Violation of Women Human Rights in India." *Shiv Shakti International Journal in Multidisciplinary and Academic Research, Vol.1, No.4, November-December, 2016. 1-8.*
5. *India Today. "11 exclusive rights for women every Indian needs to know."* <https://www.indiatoday.in/education-today/gk-current-affairs/story/11-women-rights-india-312263-2016-03-08>. Retrieved on 01-03-2019.