

# Violation of Human Rights of Women in India- Problems & Prospective

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**Abstract**— Human Rights are fundamental right to which every individual is entitled as a human being. They are the minimum rights, which are inherent to every individual. Indian constitution 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 gap between theory and practice. Indian society is consider a male-dominated society where men are always considered to be superiors. Women in India very often face discrimination, injustice and dishonor. Though women in Indian have been accorded significant opportunities to access and enjoy their rights compared to men, their condition in regard the enjoyment of their inherent human rights compared to men is still miserable. This paper will shade light on the human rights of women in India and also on how all the fundamental rights given to women are being violated in India, by focusing on the various crimes done against them.

**Keywords:** law, Rights, Violations, Discriminations and exploitations.

## I. INTRODUCTION

In the contemporary world the voice of women is increasingly being heard in the streets, in the courts and in the parliament. Yet, issues concerning women are not given priority in society. Women in the West have fought for a century to access and enjoy basic rights such as the right to vote. “The constitution of India provides for woman the rights to vote in equal measure as it does to men” Women in India were at an advantage because the constitution of India granted equal rights to men and women. The State shall not deny any personal equality before the law or from the equal protection of laws to every individual within the territory of India and the State shall not discriminate any issues against citizen on ground related to religion, race, caste, sex, and place of birth or any of them. But today, it seems that there is a wide gap between theory and practice approach. Women in India have always been considered subordinate to men. Though the provisions contained in the Indian constitution recognizes equality and non – discrimination on the grounds of sex, women are always discriminated against and dishonored. Meanwhile various efforts have been taken to improve the status of women in India in many aspect, the notion of gender equality as applied under the constitution is a distant reality.

Human Rights provide the bare minimum standards for a person to leave in dignity as a human being which are inherent to every individual. The crimes against women in India are increasing according to The National Crime Records Bureau (NCRB). This report had predicted that growth rate of crime against women would be higher than the population growth and this has become true.

NCRB It is the master portal which caters citizens as well as police personnel it works based on CCTNS database, It is provides Various services like filling of compliant online and seeking antecedent verifications of tenants, domestic helps, drives. The bureau has entrusted to maintain NDSO, It also complies and publishes National crime statistic. As per the said report in 2018

**2018 NCRB Report- Crimes rates against women’s in major cities in india**

Name of the City	Percentage of Crimes Against Women
Delhi	154.8
Bangalore	84.4
Kolkata	32.0
Mumbai	71.1

In the above table Delhi bags the highest crime rate in India. A total of 50,74,634 cognizable crimes — 31,32,954 Indian Penal Code (IPC) crimes and 19,41,680 Special & Local Laws (SLL) crimes were registered in 2018, showing an increase of 1.3% in registration of cases compared to 2017 as per the report.

Though government is taking a number of steps to improve the condition of women but still there is a long way to go. Although special rights are being given to woman as compared to men, yet they are least beneficial to them. Thus this paper will study the various human rights of women in India and how they are being violated.

## **II. VIOLATION OF HUMAN RIGHTS OF WOMEN**

Very often it is said that women in India are enjoying the rights equal to that of men. It may be true in maximum places. Really Women in India have been the sufferers of the past. Not only in earlier times but even today women have to face stigma and discrimination, injustice and dishonor. The violations of women's human rights are evident in past customary practices.

## **III. VIOLATION OF HUMAN RIGHTS OF WOMEN IN PAST**

Here we can see some crimes were done against the women in the past times

**Devadasis-** This one is religious practice in some parts of southern India, in which women were married to god in a temple. In later the illegitimate sexual exploitation of the devadasis became a norm in some parts of the country.

**Jauhar-** It is a practice of the voluntary immolation, all wives and daughters of defeated warriors in order to avoid capture and consequent molestation by the enemy. The wives of Rajput rulers, who were known to place a high premium on honor, followed this practice.

**Purdah-** It is socio-cultural practice for women to cover their bodies, so that their skin were conceal form. It curtails their right to interact freely and it is a symbol of the subordination of women.

**Sati-** It is a very 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.

## **IV. VIOLATION OF HUMAN RIGHTS OF WOMEN IN GENERAL**

The Constitution of India guarantees certain fundamental rights include 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, Right to protection from inhuman treatment, Right to protection of health, Right to privacy in terms of personal and family, life. All rights made to leave happily in society and build sustainable life thought life time

### **IV.I. VIOLATION OF RIGHT TO EQUALITY**

Discrimination against the girl child starts from the mother's womb. The child is exposed to gender differences since birth and in recent times even before birth, Home is the most secured place where a woman is often exposed to violence. In India, as per manu system men are always assumed superior then women and given more preference to them. The World Human Rights Conference in Vienna 1993. Recognized gender – based violence is human rights violation. Declaration declared the same in 1993. The recognition of women's rights became international law when the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women.

### **IV.II. VIOLATION OF RIGHT TO EDUCATION**

Basic education is crucial to alleviating poverty, reducing inequality and driving economic growth. 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 are denied basic education. Despite the improvement in the literacy rate after independence, there continues to be a large disparity between the literacy levels of men and women. Almost half the women population is unable to recognize language characters in earlier days, now things are improved. Still millions of girls lack access to primary education in India and the gender gap in literacy persists. More than two thirds of the world's 960 million illiterates are women.

The exclusivist policy control over curriculum choices, misappropriation of funds, non – implementation of reforms and pedagogy are significant contributive factors. Another important factor is that the Parents believe that girls should get trained to make use of their learning in marital homes and it would not be advantageous to the parents in any way 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.

According to Article 21A of the Constitution of India - The State to provide free and compulsory education to all children, who are between the ages of six to fourteen years in a manner, as the state may determine by law

#### **IV.III. VIOLATION OF POLITICAL RIGHT**

The political status of women in India is very less and lot of representation require, particularly their representation in highly require in Parliament and provincial Legislation. India ranks 109 in the world classification of Women in National Parliaments, with 11 per cent in the Lower House and 10.6 in the Upper House.

Thus it is clear that there is male domination in politics and almost all the parties give very little support to women in election despite their vocal support, high number of reservation of seats for women in Parliament and Provincial Legislation

The political parties only put forth a few women candidates, and these women candidates are often their relatives. While these women are getting promoted.

Overall there are still not many women in national politics. The Women's reservation Bill that was drafted in 1996 and introduced in Parliament in 2022 is now addressed and progress is in process

#### **IV.IV. VIOLATION OF RIGHT TO PROPERTY**

The general law relating to the inheritance and succession can easily be referred to The Indian Succession Act, 1925. Under this Act every Indian is entitled to equal shares in property on the death of a person. In most Indian families, women do not own property in their own names and do not get a share of parental property. The personnel laws govern them. Due to weak enforcement of laws protecting them, women continue to have little access to land and property. In fact, some of the laws not support to women, for ex:-when it comes to land and property rights. Even though, women have been given rights to inheritance, but the sons had an independent share in the ancestral property, while the daughter's shares were based on the share received by the father. Hence, the father could disinherit his 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 their ancestral home.

#### **IV.V. VIOLATION OF RIGHT TO HEALTH**

Malnutrition is the one of major cause of infertility. The World Bank estimates that India is ranked second in the world in terms of the number of children suffering from malnutrition. The UN report estimates that 2.1 million Indian children die before reaching the age of 5 every year, mostly from preventable illnesses such as diarrhea, typhoid, malaria, measles and pneumonia. The presence of excessive malnutrition among female children as compared to male children is basically due to differences in the family allocation of food between the male and female children. Normally, the male members are fed before the female members of the family. The prevalence of malnutrition varies across states, with Madhya Pradesh recording the highest rate of 55 %. Sometimes due to economic distress and natural calamities like floods, droughts or earthquakes, the discrimination against 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. In Many Indian homes Boys are prefer more nutritious 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. Access to healthcare is extremely difficult for number of reasons.

For woman access to healthcare is affected by financial, physical and socio-cultural factors<sup>1</sup>. Difficulty in accessing healthcare centers due to geographical distance, lack of drugs, neglect on the part of health staff, and deplorable sanitary conditions in the healthcare centers are common reasons for the poor health condition of the female in India. The neglect and ill-treatment of the health care centers discourage pregnant women from taking treatment and advice from health centers. In 2011, Delhi High Court in a landmark joint decision in two cases- *Laxmi Mandal v. Deen Dayal Harinagar Hospital & Ors*<sup>2</sup> and *Jaitun v Janpura Maternity Home & Ors*, issued directions in response to the systemic failures resulting in the denial of benefits to two mothers below the poverty line (BPL) during their pregnancy and immediately.

In violation of the right to life contained in article 21 of the Indian constitution and at the same time it applicable to international human rights obligations incorporated by the Protection of Human Rights Act 1993. Women in large scale industries and technology -based businesses is very limited. But even in the small scale industries their participation is very low, Women own only 10.11% of the micro and small enterprises today. 30%-50% are agricultural labors.

<sup>1</sup> N. B Sarojini et.al, 'Women's Right to Health' (Published by National Human Right Commission, New Delhi) p 18. (<https://nhrc.nic.in/sites/default/files/Womens.pdf>)

<sup>2</sup> W.C [2010] 8853/2008

#### **IV.VI. VIOLATION OF RIGHT TO EQUAL OPPORTUNITY FOR EMPLOYMENT AND GET EQUAL WAGES FOR EQUAL WORK**

The employment of the women in agriculture, traditional industries and in sizeable section of new industries is declining, The reason is that the adoption of new technological changes requires new skill, knowledge and training where need women in India, The 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 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. Women own only 10.11% of the micro and small enterprises today. Statistics show that the women hold only 15% of the senior management posts. Only in agriculture where women comprise of the majority of laborers, the average wage of women is 20 – 45 % less than that of men.

#### **IV.VII. VIOLATION OF RIGHT TO LIVE WITH DIGNITY-**

Right to Life as under Article 21 of the Constitution includes Right to live with dignity, which is equally available to women. Eve teasing is hurt to 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 women'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.

#### **IV.VIII. VIOLATION OF HUMAN RIGHT- FROM SOCIETY, STATE AND FAMILY SYSTEM.**

**a) CHILD MARRIAGE-** Child marriage is one of the big tragedy issues in society and also traditionally prevalent in India and continues to this date. UNICEF defines child marriage as marriage before 18 years of age and considers this practice as a violation of human rights. But a girl child in India is taken their family burdens. Sometimes the marriages are settled even before the birth of the child. In southern parts of India, marriages between cousins are common, as they believe that a girl is secured as she has been marries within the clan. 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 socialization, 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. 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 become mothers. So, all this indicated that immediate steps should be taken to stop the evil of Child Marriage.

**b) DOWRY HARASSMENT AND BRIDE BURNING-** Bride burning is linked to the custom of dowry, the money, goods, or estate that a woman brings to her husband in marriage. NHRC Reports says Thousands of married women in India are routinely tortured and murdered by husband and in-laws who want more dowries from the bride's parents. In spite if 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 NHRC around 5000 women die each year due to dowry deaths.

**c) RAPE-** According to ICRW report Young girls in India often are the victims of rape. And also 255 girls victim under 16 years of age. In 2012, over 24,000 cases of rape were reported, though realistic statistics are likely to be much higher. The International Centre for Research on Women conducted a survey amongst New Delhi residents to determine their attitudes toward sexual violence, especially in the public sphere. Of the female respondents, an incredible 95% reported feeling unsafe in public, due to the perceived threat of sexual violence against women. The National crime record Bureau of statistics 2018 reveal that there were 25,915 victims of rape out of 24,923 reported rape cases in the country during the year 2012. 12.5% of the total victims of rape were girls under 14 years of age while 23.9% were teenage girls of age between 14-18 years, 50.2% were women in the age group 18- 30 years. At the outset rape cases have increased by 46.8% from 267 cases in 2011 to 392 cases in 2012. In many cases, victim has to prove that she has been raped. The victim finds it difficult to undergo medical examination immediately after the trauma of assault. Even the rape victims often feel responsible for the act, and are sometimes ostracized by family members. This shame is exacerbated by the facts that only 7 % ( or less in some states) of the Indian police force are female.

**d) DOMESTIC VIOLENCE-** Domestic Violence is undoubtedly a human right issue where it is very important to know what actually leads to act of domestic violence. The most common causes for women exploitation demanding more dowry, discrimination, and property fraudulently, torture by husband and in-laws of the husband, arguing with the partner, refusing to have sex with the partner, neglecting children, going out of home without telling the partner, not cooking properly or on time, indulging

in extra marital affairs, not looking after in-laws, cruelty by husband or in-laws mentally or physically, abusing & insulting by using vulgar language, sexual harassment, molestation, immoral traffic, rape, sodomy and all other inhuman acts. In all above stated causes women are subjected to victim. Usually violence takes place due to lack of understandings between the couple as well as in the family.

In India, more than 55 percent of the women suffer from Domestic Violence, especially in the states of Bihar, U.P., M.P. and other northern states. But an Indian woman always tries to conceal it, as they ashamed of talking about it. Interference of in – laws and extra marital affairs of the husbands are the cause of such violence. Women are unwilling to go to court because of lack of supportive systems.

## **V. CONCLUSION**

Thus, though India has made strides in equality gain for women, many patriarchal and outdated laws have yet to amend. Now its time to think beyond ideology, a world of greater hardship for women, who sacrifice their identity, communication and hopes, in a society dominated by male? This Question always arises whether the laws and society's standards ensures that women get their rights? And that their Personnel and social human rights are protected? What is needed at present is the recognition of women's equal humanity and a continuing response to the persistent realities of the contemporary world. The right of every individual is to do what he/she values and becoming and being human is always more difficult for a women in the present world.

## **REFERENCES**

1. NCRB Report, Crimes in India – 2012 Ministry of Home Affairs.
2. Domestic Violence against Women in India, Dhawesh Pahuja, ([www.legalindia.in](http://www.legalindia.in))
3. Women Entrepreneurs in the Global Economy, Jalbert. E. Susanne, March 17, 2000
4. Inheritance and Succession Rights of Women Personal Laws, Javed Razack, available at [www.lexorates.com](http://www.lexorates.com)
5. Readings in sociology Madhurima (New Academic publishing co.2010)
6. Journal of International business and economics Nagadevara, Vishnuprasad (Jan 2009 ET all)
7. Status of Women in India Poonam Dhanda. (RBSA publications), 2012
8. Violation of women Human Rights in India, Ritu Dhanoa (International Journal in Multidisciplinary and Academic Research, SSIJMAR), Vol. 1, No. 4,
9. Indian Democracy and Women's Human Rights Shush Krishnan. (Madhya Pradesh Journal of Social Sciences), July 1, 2008
10. <https://blog.ipleaders.in> for national-court-human rights
11. <https://nhrc.nic.in>-press release-problems-policing
12. Human right amendment bill 2019