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## Women's Human Rights and Its Violations In Our Country

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### **Abstract**

Everyday, we can witness how the violation of women's human rights in India is being reported in newspapers, television channels, as well as in electronic gadgets. Human rights are the fundamental rights that every individual, as a part of the human family, has a legal obligation to exercise. Men and women have equal rights under India's constitution. In India, however, there is a significant gap between theory and practise in the field of women's human rights. In our society, men are thought to be superior to women. India is a large country. Discrimination, unfairness, and dishonour are all issues that women encounter. Despite the fact that Indian women have more rights than men, their living conditions are nonetheless deplorable. By concentrating on the many crimes committed against the women in India, this paper will mainly focuses on the human rights and how all of their fundamental rights are being violated in India. Besides these, this paper will also focus on the crimes committed against women despite the fact that they have the same rights as men. These considerations will illustrate why women's human rights in India are still being violated. Despite robust national legislation, women and girls in India continue to face domestic violence, acid attacks, rape, and murder on a regular basis. When public officials fail to enforce regulations designed to safeguard women and children, the government fails to hold them accountable.

**Keywords:** Women's Human Rights, Indian Constitution, discrimination, legislations.

## **Introduction**

Freedom means the state of being free i.e. the power to do what we want to do or the ability to move or act freely. According to *Franklin D Roosevelt*, “Freedom means the triumph of human rights everywhere. Our support goes to those who fight to acquire and maintain those rights. Our power comes from the fact that we are all working towards a same goal. There can be no other conclusion than success for such a lofty concept.” Human Rights are the fundamental rights that every individual, as a member of human society, is obligated to attain.” However, it has been discovered that every woman’s right is being infringed in our society in many ways. Equal protection under the law is guaranteed by the Indian constitution. According to Article 14, “The State shall not refuse to any individual within the territory of India equality before the law or equal protection of the laws,” and according to Article 15, “The State shall not discriminate against any person solely on the basis of religion, race, caste, sex, place of birth, or any combination of these factors.” However, it appears that there is a significant gap between theory and practise in present situation. In India, women have long been seen as sub-ordinate to men. Despite the fact that the constitution stipulates equality and non-discrimination on the basis of gender, women in Indian society are constantly discriminated against and dishonoured. Despite several efforts to enhance the position of women in India, the constitutionally mandated goal of gender equality remains a long way off.

Human Rights for women should be recognised and guaranteed in the Indian Constitution so that they can live with dignity in our society. Some of them are mentioned below:

- Right to equality
- Right to education
- Right to live with dignity
- Right to liberty
- Right to equal opportunity for employment
- Right to livelihood
- Right to be free of gender discrimination
- Right to social protection in case of retirement, old age, or sickness
- Right to protection from society, state, and family system etc.

## **Violation of Women Human Rights in Our Country**

Despite pledges to address some of the most serious violations of human rights, India continues to face tremendous challenges from the time of independence. In this paper, I’m attempting to concentrate on the assertion that women in India now have equal rights to males. However, women in India have been victims of discrimination, injustice, and dishonour since the beginning of time, and they continue to be victims now. Let us now turn our attention to the atrocities committed against women despite the fact that they have been granted the same rights as males. These considerations will illustrate why women’s human rights in India are still being

violated. Despite robust national legislation, women and girls in India continue to face domestic violence, acid attacks, rape, and murder on a regular basis. When public officials fail to enforce regulations designed to safeguard women and children, the government fails to hold them accountable.

Women's exploitation in India is not a new phenomenon; in fact, it has existed since ancient times. Women have never enjoyed the same position or opportunities as men in Indian society. Indian women's human rights have been violated in the past by the following practises:

### **1. Caste System**

Throughout their lives, Indian women have been exploited and discriminated against by society. Men discriminate against women in Indian society. In the recent past, the following crimes against women have occurred. The rape and murder of two adolescent girls in a village in Uttar Pradesh's Budaun district, followed by a slew of other human rights violations and violence against women in the same state, has cast doubt on the state's ability to handle the law and order situation and sparked public outrage. By combining caste-based and gender-based discrimination, these human rights breaches embarrass the state even more. This tragic episode brings to mind the December 2012 gang rape of a young woman in Delhi. The backward classes experience chronic discrimination, with significant crimes such as abuse of caste names, murders, arson, social and economic boycotts, and so on being committed against them. Over 115,000 cases of atrocities were committed against them between 2008 and 2010, with a 10.6% increase in 2009. According to India's Crime Statistics, a crime against SCs occurs every 18 minutes; every day, 27 atrocities are done against them; every week, 5 of their homes or property are set ablaze; and every month, 6 people are kidnapped or abducted.

### **2. Jauhar**

The practise of voluntarily immolating all wives and daughters of defeated soldiers in order to avoid capture and subsequent abuse by the enemy is referred to as Jauhar. The wives of Rajput rulers, who are known for placing a strong value on honour, adopted the practise.

### **3. Devadasi System**

Devadasis was a religious tradition in which women were wedded to a holy deity or temple in portions of southern India. In various parts of the country, illegitimate sexual exploitation of devadasis became the norm later.

### **4. Sati**

Sati is a historical Indian tradition in which widows were burned alive on their husband's funeral pyre. Despite the fact that the act was intended to be consensual on the widow's part, it is thought to have been forced on her at times.

### **5. Purdah**

Purdah is the practise of compelling women to cover their bodies in order to conceal their form and cover their skin in various communities. It restricts their freedom of expression and serves as a symbol of women's servitude.

## 6. Child Marriage

In India, child marriage has a long history and is still prevalent today. A girl is not allowed to marry until she is at least 18 years old, according to the legislation. In India, however, the girl is seen as a financial burden. Marriages are sometimes finalised before a kid is born. Parents also feel that it is simple for the kid – bride to adjust to a new environment, as well as for others to mould the child to fit their own family. Essentially, child marriage is associated with poverty, illiteracy, dowry, landlessness, and other societal ills. Widowhood, inadequate socialisation, educational deprivation, lack of independence in choosing a life partner, lack of economic independence, and low nutritional levels as a result of early pregnancies in an unprepared psychological state of the young bride are all consequences of child marriage. In India, child marriage accounts for over 40% of all marriages. As a result of all of this, it appears that quick action is required to end the scourge of child marriage.

### Violation of Women Human Rights in Present Situation

Although there are several laws protecting women's rights and encouraging them to do their best in all aspects of life today, the mindset of Indian society remains the same as it was during the ancient and mediaeval eras, negatively impacting women and their rights. Even after 73 years of independence, women continue to be subjected to the following rights violations:

- **Violation of Right to Equality and Protection against Gender Discrimination:** In India, men are always considered superior to women and are given more favour. Discrimination against women in India begins at the moment of conception, with sex determination tests leading to foeticide and female infanticide. In some parts of India, a girl child who opens her eyes in any way is murdered shortly after delivery using various harsh techniques. Women's homes, which are intended to be the safest place for them, have become a place where they are subjected to exploitation and violence by their loved ones. They are robbed of their 'Right to Life' under such conditions.
- **Violation of Right to Education:** Education is essential for a woman's overall development and awareness, and it is considered the most important human right. However, society's attitude toward women's education in India has been negative since the mediaeval era, and it persists today. Women are raised with the belief that women are physically weak and hence only eligible for specific professions that require less physical power or, in some situations, exclusively to function as husbands and mothers.

Despite the fact that literacy rates have improved since independence, there is still a significant disparity between men and women's literacy skills. Almost half of all women are unable to distinguish characters in written language. In India, at least 60 million girls do not have access to primary education. Because

of the enormous number of uneducated women in India, they are unaware of their basic human rights and will never be able to fight for them.

- **Violation of Right to Live with Human Dignity:** The right to live with human dignity is confirmed in the Preambles of the Indian Constitution, but due to incidents of eve teasing, sexual harassment, rape, and exploitation, such a right is currently being eroded in the lives of Indian women, posing a threat to our social structure, constitutional mechanism, and law and order situation.

1. **Eve-Teasing:** Eve teasing is a problem that practically every female in India has to deal with, and it breaches a woman's modesty, dignity, and self-respect. It is one of the methods used to make a woman feel inadequate, weak, and terrified. <sup>34</sup> Trying to touch any part of her body, whispering obscene words into her ear, making offensive comments about her outfits, displaying a gesture that is perceived and intended to be vulgar are all acts that violate a woman's right to live with human dignity. Eve teasing is thus a violation of a woman's fundamental human right to move freely and with dignity. Women can now be subjected to eve teasing on the roads, while travelling by metro, bus, or train, while watching movies in movie theatres, in parks, and on beaches, and even within their own homes and in their neighbourhood.

2. **Sexual Abuse:** Sexual abuse is one of the most widespread crimes against women in India. According to the National Crime Record Bureau (NCRB), there were 1,215 rape cases in Delhi in 2018. Rape is a common occurrence among young girls in India. In rape cases, it is extremely torturous for the victim lady to have to show that she was raped by undergoing different medical examinations, and the process of several medical tests is also against her dignity, resulting in humiliation and embarrassment for the victim. Following the stress of the assault, the victim finds it difficult to undergo medical evaluation. Furthermore, due to the victim's family's prestige and the difficulty of police processes, the victim's family is hesitant to file a First Information Report.

- **Violation of Right to Liberty:** The Indian Constitution guarantees everyone's right to liberty, including women, yet in the current Indian context, demands for dowry and the resulting bride burning, as well as occurrences of domestic abuse, are serious obstacles to women's right to liberty.

1. **Demand of Dowry and Bride Burning:** Dowry is a social custom that refers to the property that a bride brings to her wedding. <sup>37</sup> The bride's family pays dowry to the bridegroom's family, which has been a tradition in India from ancient times and is still practised today. But now a days it can be seen that the demand for dowry by the husband

and his family, followed by the assassination of the bride for delivering an inadequate dowry, has become a widespread crime. Despite the government's passage of the Dowry Prohibition Act, which makes dowry requests in marriage illegal, dowry occurrences remain on the rise.

2. **Domestic Violence:** Wife beatings and drunken husband abuse are some of the examples of violence against women that go unnoticed. The main cause is the husband's desire for the wife's hard-earned money to fund his drinking habits. Besides these, an Indian woman will always try to hide it since she is embarrassed to discuss it. And unfortunately, due to a lack of alternative support systems, women are reluctant to go to court.

- **Violation of Right to Property:** Women in most Indian families do not possess property in their own names and do not receive a piece of their parents' property. Women continue to have limited access to land and property due to lax enforcement of laws protecting them. In reality, when it comes to land and property rights, several of the laws discriminate against women. Though women were given inheritance rights, the sons had their own share of the ancestral property, whereas the daughters' shares were based on the father's share. As a result, the father can disinherit the daughter at any time by relinquishing his portion, while the boy will continue to hold a share in his own right. Married daughters who are being harassed have no rights in the family home.
- **Violation of Right to Equal Opportunity for Employment and Equal Pay for Equal Work:** Women's employment in agriculture, traditional industries, and a significant segment of emerging industries is rapidly dwindling. Because new technology advances necessitate new skills, knowledge, and training, this is the case. Women in India, who make up a substantial percentage of the world's illiterate population, lack these skills and information. According to studies, women get paid less for performing the same tasks as men. Women are being pushed out of the production process by technological developments in agriculture and industry. Only certain jobs requiring so-called female abilities attract women workers. As a result, women employees face discrimination in India's labour market. It demonstrates that women have a relatively limited involvement in large-scale enterprises and technology-based organisations. However, even in small-scale industries, they have a very low level of engagement. Today, women own only 10.11 percent of micro and small businesses. According to statistics, women only hold 15% of top executive positions. Women earn 30 to 50 percent less than men on average in agriculture, where women make up the bulk of agricultural labourers.

- **Violation of Political Rights:** Women's political status in India is dissatisfactory, particularly their representation in higher political institutions such as Parliament and provincial legislature, where they are severely underrepresented, limiting their ability to influence government initiatives and policies affecting women's welfare and development. In the Lok Sabha, they don't even have a 10% representation. As a result, it is apparent that: a) Indian politics is dominated by men, and practically all political parties, despite their vocal support for a 33 percent reservation of seats for women in Parliament and provincial legislatures, provide very little assistance to women in elections. b) Women have taken steps to get more involved in politics, but they have been met with resistance.

**Conclusion:** Human rights are the fundamental rights that every individual, as a part of the human family, is obligated to exercise. According to the 2011 Census, there are 940 females over 1000 males, or 48 percent of the overall Indian population. As a mother, sister, wife, and daughter, women play vital roles in our lives. They are entitled to equality and respect in all aspects of life, however abuses of women's human rights in India are primarily caused by society's lack of support, family ignorance, and obsolete legislation.

Women's rights are currently in a precarious state. They are India's most vulnerable group. They are not safe when strolling the streets, taking the metro, bus, or train, watching movies in movie theatres, walking in parks, on beaches, in her neighbourhood, or even within their own home; they can be harassed. India's legislators and policymakers have enacted a slew of laws, rules, and regulations to protect women's rights, but they're useless since they're all written in the form of a 'Act' rather than a 'Action,' which is why Indian women are mistreated and physically and mentally tormented.

Violations of women's human rights create some thought-provoking considerations for us: how beneficial are particular rights granted to women? What are the advantages of passing legislation that is geared at women? Is it true that they are assisting them? Will women ever achieve parity with males in terms of status? All of these queries remain unaddressed. To answer such questions, there is still a long way to go. In this regard, we must reconsider our position and begin striving to create a safer and more favourable atmosphere for women.

One of the greatest philosopher, Swami Vivekananda said, "Unless the situation of women improves, there is no hope for the world's well-being." A bird cannot fly with just one wing."

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