



## Women Rights – Issues & Strategies

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### Abstract

Women in India are deprived of their fundamental right to dignity also; leave alone the question of gender parity. The present paper explores the questions central to women's right in India that is fundamentally patriarchal in nature. The article attempts to identify the few challenges faced by the women in India like the dowry, female foeticide, denial of inheritance rights, sale and trafficking of girls etc. The objective of the paper is to evolve strategies to empower women uniformly like the men. The paper is focus on the women's human rights violation in India, the steps undertaken by the Indian constitution to protect women's human rights and the strategies devised by the government and civil society to empower women in India.

**Key words:** breadwinner, family caretaker, Dowry Prohibition

### Introduction

Women emerged as a distinct interest group in the 19<sup>th</sup> century primarily because the role played by the women as family caretaker, financial manager and social entrepreneur in the society. Then women as a commune worker struggle for recognition of their rights as a human being. Women's execute multilateral role in the society i.e. as a breadwinner of her family, as a care taker of her family as a mother, wife, daughter and service provider to the society. In spite of the fact that the women's contribution to the country's development is equal to that of their male counterpart, still they experience a number of limitations that restrain them from comprehending their potential for expansion. It is against this background that the government's all over the world felt the need to prioritize the interests of women and their participation at every stage of the development process. However these goals are far from being realized in a country like India. In fact often women in India are deprived of their fundamental right to dignity also

leave alone the question of gender equality. The present paper explores the questions central to women's right in India that is fundamentally patriarchal in nature. The article attempts to grapple with the few challenges faced by the women in India like the dowry, female foeticide, denial of inheritance, sale and trafficking of girls etc. The objective of the paper is to evolve strategies to empower women who are as human beings as men are.

### Crime against Women in India

In societies where women status is low crimes against women are likely to be higher. The reported cases are much smaller than the actual number, because bringing certain crimes into the notice of authorities will tarnish the image of women who are themselves victims. As crime against women is one of the major violation of human rights issue and an important health issue, many studies emerged from 1990s to find out the magnitude, determinants and consequences of violence. Prevalence of violence in the world as estimated by



WHO is at least one in five women has been physically or sexually abused by a man at some time in her life. As per the available sources it is estimated that one half to one third of all women in the United States experience partner abuse in their lifetime and one out of twelve experienced it during pregnancy. In India, even though the government has taken action against all acts of violence against women by making laws and efforts to implement it, these crimes have been observed to be increasing.

A quick look through the daily newspapers will give us an idea of the epic proportions the phenomenon has taken. Sample some of these facts from around the world:

- At least one out of three women has been beaten, forced into sex, or abused during her lifetime around the world. On most occasions, the abuser was a member of the woman's family or someone known to her.
- One woman in four has been abused during pregnancy.
- More than 60 million women worldwide are considered 'missing' as a result of sex-selective abortions and female infanticide, according to an estimate by Nobel Laureate Amartya Sen<sup>1</sup>. The idiom "missing women" was for the first time used by Amartya Sen when he showed that in many developing countries the proportion of women as compared to men in the population is suspiciously low.
- The World Health Organisation has reported that up to 70% of female murder victims are killed by their male partners.
- Interpersonal violence was the 10<sup>th</sup> leading cause of death among women between the ages of 15 and 44, in 1998.

➤ Population-based studies report that between 12 and 25% of women have experienced attempted or completed forced sex by an intimate partner or ex-partner at some point in their lives.

And, in **India**, according to the National Crime Records Bureau's (NCRB) and Crime Clock, there is:

- One crime committed against women every three minutes
- One molestation case every 15 minutes
- One sexual harassment case every 53 minutes
- One kidnapping and abduction case every 23 minutes
- One rape case every 29 minutes

As per the statistics available from National Crime Records Bureau report- 2013, Andhra Pradesh, accounting for nearly 7.1% of the country's population, has accounted for 12.8% of total crimes against women in the country by reporting 27,244 cases.

### **Areas of Violations of Women's Rights In India:**

**A) Child Marriage:** In India although there exist a law barring the marriages of children at primitive age, but it is still being practiced 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 immortality rate<sup>2</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.

**B) Missing of girl child:** The lopsided sex ratio in many states in India is one of the main reasons because of which women, and girls, go 'missing'. 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.

**C) Dowry deaths:** 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>3</sup>. "The role of husband's reaction to dowry brought at the time of marriage on subsequent experience of marital violence. The substantially reduced risk of experiencing physical and sexual violence among women whose husbands were satisfied with the dowry reflects the strong influence of dowry in determining women's position within the household"<sup>4</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.

**D) Domestic Violence:** 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. In fact 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. The domestic violence had taken the form of psychological and physical abuse against women like slapping, hitting, public humiliation, etc. In India the 'Dowry Prohibition Act and the Protection of Women from Domestic Violence Act and cruelty under Section 498A of the Indian Penal Code in 1983'<sup>5</sup> declares brutality to a woman in her conjugal house a punishable and non-bailable offence that can lead to a sentence of up to three years and fine.

**E) Female foeticide:** 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>6</sup>. In India it is estimated that around "10 million female fetuses have been aborted in the last 20 years"<sup>7</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 2001"<sup>8</sup>. 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 fetuses by untrained nurses and staff is widely prevalent. All these have resulted in the escalation of maternal mortality rate<sup>9</sup>.

**F) Education:** Education is one of the most crucial and also critical areas of empowerment for women. Although the right to education under Article 21



of the Indian Constitution have made it compulsory for the government to provide free education to everybody, the high rate of women's education is still a distant dream. In spite of the fact that Sarva Shiksha Abhiyan to an extent has been successful in bringing the girl child back to the schools, yet their retention rate in the school is lower as compared to their male counterpart. In fact it has been found that there is a gradual drop out of the girl students as they move up to the higher classes.

**G) Sexual harassment at the workplace:** The initiative on a discourse on sexual harassment of women at their workplace in India started with Supreme Court's Vishaka guidelines in 1997. However it was the passage of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill 2013' that helped in translating these guidelines into concrete rules that are to be implemented. But even today "the issue of sexual harassment has largely been swept under the carpet in India. The provisions have never been successfully invoked because of social taboos still associated with sexual harassment"<sup>10</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.

**H) Rape:** 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>11</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.

**I) Customary practices turned as violence against women:** 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.

### **Protection of Women's Human Rights by the Constitution of India**

The constitution of India confers special rights upon women. The constitution makers were well aware of the subordinate and backward position of women in the society. They made some efforts for uplift of women in our society. The state is directed to provide for maternity relief to female workers under Article 42 of the Constitution, whereas Article 51-A declares it as a fundamental duty of every Indian citizen to renounce practices to respect the dignity of women. Indian Parliament has passed the Protection of Human Rights Act, 1993 for the proper implementation of Article 51-A. Indian Parliament over the years have taken significant steps for through legislations to achieve the goal of empowering the women in India. The



significant among them are the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning the rights of) Prevention Act, and the Dowry Prohibition Act etc. Apart from these, the 73<sup>rd</sup> and 74<sup>th</sup> Constitution (Amendment) Acts provided for 33% reservation for women in both Pachayat and Nagarpalika institutions as well as for the positions of chairpersons of these bodies. These two amendments removed the bottlenecks from the paths of women empowerment at the local level. In order to facilitate equal participation of women at the national and state level politics, the bill providing for 33% reservation of seats for women in national and States legislatures has been introduced in Parliament<sup>12</sup>. Besides this, the government of India has enacted a variety of laws like Dowry Prohibition Act, Sati prevention Act etc., to guarantee the rights of the women.

### **Strategies to Curb Violence Against Women and Empower Them:**

Patriarchal system impinges on every sphere of a woman's life. In such a situation often a majority of them are forced to accept the traditional practices that are detrimental for both their and their children's development. Although women have acquired a level of financial and political autonomy and consciousness about their rights, yet they experience helplessness in bringing about basic changes for eliminating gender inequalities from the society<sup>13</sup>.

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. The state occupies a central position in initiating positive policies to end discrimination against women. In India it was state which initiated the first reform measure when after lot of debate it reformed the Hindu Succession Act in 1956 in which women were given equal right to inheritance. Continuous extensive unconditional financial as well as emotional assistance must be provided to the women by both the formal set-up of the state like legal system, police, medical and health care sectors etc, as well as from the informal networks such as family, friends, fellow citizens, and local community groups. The idea of self reliant independent women taking independent decisions of her life can be achieved only by educating women that will help them in achieving economic independence, as well as knowledge and awareness about their rights. Special emphasis must be provided in educating women on the legal and Human rights provided to them by the constitution<sup>14</sup>. A well known feminist writer Martha Nussbaum argued that the key to development of women is to provide them with the cover of justice.

**Conclusion:** 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. The violence against women in India is often supported and perpetuated by the indigenous cultures and the religious leaders<sup>15</sup>. Therefore, the indigenous communities must try to put up mechanisms and strategies that



eliminate such age old ruthless practices against the women. The religious leaders and researchers must review the sacred manuscripts and doctrines with an idea of to encourage egalitarianism and self-respect for women.

#### References:

Amartya Sen, Missing Women, *British Medical Journal*, 304, 587-588 (1992)

National Commission on Population, National Population Policy 2000-Objectives, National Commission on Population, Government of India (2000) ([http://populationcommission.nic.in/npp\\_obj.htm](http://populationcommission.nic.in/npp_obj.htm))

Sabharwal Sagun, K.G. Santhya and Shireen J Jejeebhoy, Determinants of Marital violence, *Economic and Political Weekly*, 47, 41-45 (2013)

[www.freiheit.org](http://www.freiheit.org), ielrc.org (2014)

Kishwar Madhu, Where daughters are unwanted, *Manushi*, 86, 15-22 (1995)

Jha P., R. Kumar, P. Vasa and N. Dhingra et al, Low Male to female sex ratio of children born in India: national survey of 1.1 million households, *Lancet*, 367, 211-18 (2006)  
[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Vishwanath L.S., Female Infanticide: The Colonial Experience, *Economic and Political Weekly*, 45, 2313-2318 (2004)  
[www.unhchr.ch](http://www.unhchr.ch) (2014)

Sarpotdar Anagha, Sexual harassment of Women: Reflections on the Private Sector, *Economic and Political Weekly*, 47, 18-23 (2013)

[Ncrb.gov.in/CD.../statistics2012.pdf](http://Ncrb.gov.in/CD.../statistics2012.pdf) (2014)

Narayan Shashi S., Gender Equality through reservation in decision making bodies, *Social Action*, 48, 148 (1998)

Kishwar Madhu, Off the beaten Track: Rethinking Gender Justice for Indian Women, OUP, New Delhi, 200-205, (1999)

Menon, Nivedita(ed) Gender and Politics in India, OUP, New Delhi, 455-460, (1999)

Sutapa Saryal, Women's Rights in India: Problems and Prospects, *International Research Journal of Social Sciences* ISSN 2319-3565, Vol. 3(7), 49-53, July (2014)