



Women's Rights in India: Prospects and Challenge

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Abstract: 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 rights, sale and trafficking of girls etc. This 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. The objective of the paper is to evolve strategies to empower women uniformly like the men. 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 dishonor. In fact often women in India are deprived of their fundamental right to dignity also; leave alone the question of gender parity.

Key Words: Women's, Rights, Problems, Prospects, Empowerment, Challenges and Violation.

Introduction: Women in India face a lot of social inequalities ranging from gender specific abortions, mistreatment by their spouses, to eve teasing. Most women aren't aware of women rights in India and other times their legal rights are not protected as they should be. Women empowerment plays a significant role in letting them know their rights. 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.

Objectives:

1. To study about the women rights in India.
2. To study about the steps undertaken by the Indian constitution to protect women's human rights.
3. To study list of areas where women's human rights violation has taking place in India.

Methodology: The present research paper is a secondary data based study, which exclusively relies on the secondary data only. The data necessary for studying the major objective of identifying the things of serious concerns women rights in India. The secondary



data collected through various text books and articles and from websites.

Women Rights in India

The list of women rights in India is as follows:

- Right to Equality
- Right to Education
- Right to Live with Dignity
- Right to Liberty
- Right to Politics
- Right to equal opportunity for employment
- Right to free choice of profession
- Right to livelihood
- Right to work in equitable condition
- Right to equal wage for equal work
- Right to equal wage for equal work
- Right to protection from gender discrimination
- Right to social protection from retirement, old age and sickness

- Right to social protection from retirement, old age and sickness
- Right to social protection from
- Right to protection from inhuman treatment
- Right to protection of health
- Right to privacy in terms of personal life, family, residence and correspondence etc
- Right to protection from society, state and family system

But, the crimes against women in India are increasing at a very fast pace. The National Crime Records Bureau (NCRB) had predicted that growth rate of crime against women would be higher than the population growth by 2010, which was found to be true. The bellow table will represents the list of top 5 most dangerous cities in India where the crimes against women taken place.

Table: 1: Crimes against Women in major Indian Cities

RANK	Name of The City	Percentage of Crimes Against Women in Indian Cities
1ST	DELHI	16
2nd	HYDRABAD	8.1
3rd	BANGALORE	6.5
4th	AHMADABAD	6.4
5th	MUMBAI	5.8

Source: Crimes in India – 2010, NCRB, Ministry of Home Affairs

Mapping of Women’s Rights Violations in India:

In India it said that women are enjoying rights equal to men. But in reality, the women in India have been the sufferers from past. Not only in earlier times but even now days also, have women had to face discrimination, injustice and dishonor. Let us now discuss the crimes done against the women in spite of being given rights equal to men. These points will explain

that continues violation of human rights of women in India.

Violation of women human rights in past:

The Indian women exploitation is not the present phenomenon. Rather she is being exploited from the early times. The women in Indian society never stood for a fair status. The following crimes were done against the women in the past times.



Devadasis: Devadasis was a religious practice in some parts of southern India, in which women were married to a deity or temple. In the later period, the illegitimate sexual exploitation of the devadasi's became a norm in some part of the country.

Jauhar: Jauhar refers to practice of the voluntary immolation of all wives and daughters of defeated warriors in order to avoid capture and consequent molestation by the enemy. The practice was followed by the wives of Rajput rulers, who are known to place a high premium on honour.

Purdah: Purdah is a practice among some communities of requiring women to cover their bodies so as to cover their skin and conceal their form. It curtails their right to interact freely and it is a symbol of the subordination of women.

SATI: Sati is an 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, it is believed to have been sometimes forced on the widow.

VIOLATION OF HUMAN RIGHTS IN GENERAL:

Violation of "Right to Equality" and "Right to Protection against Gender Discrimination" Discrimination against the girl child starts the moment she enters into the mother's womb. The child is exposed to gender differences since birth and in recent times even before birth, in the form of sex – determination tests leading to foeticide and female infanticide. The home, which is supposed to be the most secure place, is where women are most exposed to violence. If a

girl child opens her eyes in any way, she is killed after her birth by different cruel methods in some parts of the country. Thus the very important right to life is denied to women. In India, men are always assumed to be superior to women and are given more preference.

Violation of "right to education": Education is considered as means of development of personality and awareness. 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 may be bought up to believe that they are suited only to certain professions or in some cases to serve as wives and mothers. Despite in the improvement in the literacy rate after independence, there continues to be large gap between the literacy levels of men and women. Almost half the women population is even unable to recognize language characters. At least 60 million girls lack access to primary education in India.

Violation of "political right": The political status of women in India is very unsatisfactory, particularly their representation in higher political institutions - Parliament and provincial Legislation which is of great under representation which hampers their effective role in influencing the government initiatives and policies regarding women's welfare and development. Their representation has been unable to reach even 10% in Lok Sabha. Thus it is clear that: a) There is male domination in Indian politics and almost all the parties give very little support to women in election despite their vocal support for 33% reservation of seats for women in Parliament and Provincial Legislation. b) Women have made



initiatives in political participation but they have not been accepted in politics.

Violation of "Right to Property": In most of the Indian families, women do not own property in their own names and do not get share of parental property. Due to weak enforcement of laws protecting them, women continue to have little access to land and property. In fact, some of the laws discriminate against women, when it comes to land and property rights. 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, father could anytime disinherit 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 ancestral home.

Violation of "right to protection of health": According to the World Bank report, malnutrition is the major cause of female infertility. The presence of excessive malnutrition among female children as compared to male children is basically due to differences in the intra-family allocation of food between the male and female children. It has been confirmed by various studies that the girl's diet is inferior to the boy's diet both in quality and quantity. Boys are given more nutritive 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.

Violation of "Right to equal opportunity for Employment and

right to get equal wages for equal work:

The employment of the women in agriculture, traditional industries and in sizeable section of new industries is declining at a very fast rate. The reason is that the adoption of new technological changes requires new skill, knowledge and training. And women in India, who constitute a 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 for 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. Only 10.11% of the micro and small enterprises are owned by women today. Statistics show that only 15% of the senior management posts are held by the women. In agriculture where women comprise of the majority of agricultural labourers, the average wage of women on an average is 30 - 50 % less than that of men.

Violation of "Right to Live with Dignity", Eve Teasing and Sexual Abuse:

Eve teasing is an act of terror that violates a woman's body, space and 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. There is no particular places where eve - teasers congregate. No place is really "safe" for women. Roads, buses, train, cinema halls, parks, beaches, even a woman's house and neighborhood may be sites where her self - worth is abused.

Violation of "right from society, state and family system":

a) Child Marriage: Child marriage has been traditionally prevalent in India and continues to this date. Discrimination against the girl begins even before their birth and continues as they grow. According to the law, a girl cannot be married until she has reached the age of 18 at least. But the girl in India is taken as a burden on the family. Sometimes the marriages are settled even before the birth of the child. In south India, marriages between cousins is common as they believe that a girl is secured as she has been married within the clan. Parents also believe that it is easy for the child - bride to adapt to new environment as well as it is easy for others to mould the child to suit their family environment. Some believe that they marry girls at an early age so as to avoid the risk of their unmarried daughters getting pregnant. This shows

d) 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.

e) Domestic Violence: Wife beating, abuse by alcoholic husbands are

that the reasons for child marriages in India are so baseless.

b) Dowry Harassment and Bride Burning: The demand of dowry by the husband and his family and then killing of the bride because of not bringing enough dowry to the in - laws has become a very common crime these days. In spite of 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 survey, around 5000 women die each year due to dowry deaths and at least a dozen die each day in "kitchen fires".

c) Rape: Young girls in India often are the victims of rape. Almost 255 of rapes are of girls under 16 years of age. The law against rape is unchanged from 120 years. In rape cases, it is very torturing that the victim has to prove that she has been raped. The victim finds it difficult to undergo medical examination immediately after the trauma of assault. Besides this, the family too is reluctant to bring in prosecution due to family prestige and hard police procedures. 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 reported¹³. 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 violence done against women which are never publicly acknowledged. The cause is mainly the man demanding the hard earned money of the wife for his drinking. But an Indian woman always tries to conceal it as they are ashamed of



talking about it. Interference of in – laws and extra marital affairs of the husbands are the another cause of such violence. The pity women are unwilling to go to court because of lack of alternative support system. Thus, all these violence done against women raises the question mark that how these special rights being given to women are helping them? What are the benefits of framing such laws for the women? Are they really helping them? Will the women really be given an equal status to men one day? All these questions are still unanswered. There is still long way to go to answer such questions.

f) 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". 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 number of women to the PRIs followed by Kerala and Manipur.

Conclusion: India has strong legislation to protect rights, Human Rights Watch said, but entrenched corruption and lack of accountability foster human rights

getting credits to start their independent business.

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 73rd and 74th Constitution (Amendment) Acts provided for 33% reservation for women in both panchayat 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 fact it has been found that the Karnataka sends maximum

violations. The numerous civil society groups, which play a crucial advocacy role in addressing these problems through protests and free expression, are increasingly at risk due to misused sedition laws and financial regulations. Internationally, India engaged in efforts



to promote human rights in Sri Lanka, Afghanistan, and Burma but did little to address the crises outside of South Asia, such as in Syria. India's aspirations to play a more powerful role in world affairs won't be taken seriously so long as it shuns efforts to promote human rights abroad and at home

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