



Human Rights and its effects on Women

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Abstract: This Paper entitled “Human Rights as it affects women” aims at discussing conceptual framework, constitutional and legal provisions aimed at securing the rights of women in matters of importance to their fundamental needs and interests in changing scenario. It aims to spark sensitivity and consciousness towards Rights of women, who are spread over lakhs of villages and towns of the country, still in slumber, where the life has stagnated for hundreds of years. The dimensions of the modern version of inequality between men and women are still only partially understood by either policy makers. The Atrocities on women the unintended victims cannot wait, and call for immediate intervention by public authorities and persons who have social conscience, and can now help our less fortunate sisters to play a more effective and conscious role in the process which will transform their lives.

Key words: Right, Health, Nutrition, life

Introduction

The flag ship scheme of government ‘Betibacho, Beti Padhao Yo Jana’ Prime Minister Narendra Modi launched the program on 22nd January, 2015 from Panipat, Haryana. This program aims to generate awareness and improving the efficiency of welfare services meant for women. The Prime Minister expressed concern over increasing atrocities on women and said that once the National Commission for women submitted their reports steps would be taken to check the atrocities and protect women rights. Women represent half the global population and one third of the labour force, they receive only one tenth of the global income and less than one per cent of world property, and does two thirds of all working hours. Women constitute almost half the country’s population which has been deprived of its self-respect and subjugated into a grim existence. Much legislation was enacted by the Government to improve the status of

women and also to curb discrimination against women in male – dominated society. But these enactments smoothly remain on paper and the ignorance of the various provisions of these enactments still continues. The articles concerning women have been described by commentators on the Indian constitution as “Women-specific”. In practice, however, it seems that it has eluded women.

- Right to Non Discrimination
- Right to Life
- Right to be a child
- Right to Education
- Right to Health and Nutrition
- Right to Protection from Sexual exploitation
- Right to Protection from economic exploitation
- Right to Protection from punishment or torture treatment
- Right to Protection of privacy
- Right to parental responsibilities
- Right of equality before law



- Right to Protection from unfair traditional practices
- Right to Social Security
- Right to Protection from media exploitation

1. Right to Non Discrimination:

The State shall have the obligation to protect the women from any form of discrimination of any kind irrespective of her parents or legal guardians, race, colour, language, religion, political, labour, opinion, property, disability, birth or any other status. Any nation, state, community or an individual must not violate the aforesaid rights and should take positive steps to provide them all.

2. Right to Life: Every girl child shall have the inherent right to life. The state shall ensure the survival and development of the girl child before and after birth. It shall abolish the gruesome practice of female foeticide, infanticide, female infant mortality and disablement due to disease and malnutrition.

3. Right to be a Child: The girl child shall be given the right to be a child, the right to leisure and recreational activities. The state shall ensure that childhood of the girl is not exploited and her right to laugh, to play, to sing and to dance is ensured.

4. Right to Education: The women shall have the right to education and build up self-confidence to stand on her own legs through educational opportunities. The Governments shall ensure that primary education should be free and compulsory all over the country to all girl children. Education of the girl particularly in rural areas shall be given the highest priority. Secondly, the higher education shall be accessible to all

women on the basis of capacity by every appropriate means including distance education.

5. Right to Health and Nutrition:

The women shall have the right to the highest level of health and medical services. The state shall ensure to women the highest attainable standard of health and treatment of illness and obligate to work towards the abolition of harmful traditional practices towards the girl children by the society. The state shall develop preventive health care, guidance to parent's family planning and educational services. The girl child shall have the right to enjoy equality of treatment with regard to nutritional status in the family. The parents shall not discriminate on the basis of gender in the nutritional treatment.

6. Right to Protection from sexual exploitation: The women shall be protected from all forms of sexual exploitation and sexual abuse which include women in prostitution professions or other unlawful sexual practices.

7. Right to protection from economic exploitation: Women shall be protected from economic exploitation and from performing any work that is likely to be hazardous to health, moral or social development of the girl child. Through legislations and social measures the implementation of this article shall be ensured.

8. Right to Protection from punishment or torture treatment:

The Government shall ensure that no women shall be subjected to torture, cruel, inhuman or degrading treatment or punishment, nor capital punishment, life imprisonment and



unlawful arrest or deprivation of liberty. The principles of appropriate treatment and access to legal and other assistance shall be ensured.

9. Right to Protection of Privacy

No women shall be subjected to unlawful interference with her privacy, family, house or correspondence or to unlawful attacks on her honour and reputation.

10. Right to parental responsibilities:

The parents shall have joint primary responsibility for bringing up their children without discriminating their gender and ensure their responsibility for proper upbringing and development of the girl child. The best interest of the girl children shall be their basic concern. Parents shall have the responsibility of inculcating a feeling of equality among children and treat girl children with importance they deserve.

11. Right of Equality before law:

Women shall establish right of equality before law. The state shall ensure proper implementation of all laws and accord equality in the social, economic and cultural status in the society.

14. Right to Protection from Media exploitation:

The State shall ensure to abolish all media materials which project sex perverted images of women and ensure that their names and honour are not damaged. The list of the offences given in the chart includes all major offences relating to women under the penal code:

12. Right to Protection from unfair traditional practices:

The high dowry and marriage customs were associated with adverse sexual ratios. Observation also showed that there was an inverse correspondence between female work participation and dowry. Thus, in the areas where female work participation was low, the value of the women is considered far below her cost to her family who incur the expenses of her upbringing, marriage and dowry. The low value attached to girls is also accompanied by their lower educational level, early marriage and nearly child bearing norms. In this regard, the state's obligation to work towards the abolition of harmful unfair traditional practices should be laid in the social policy of the government to ensure the rights.

13. Right to Social Security:

The State shall ensure social security to woman and take necessary measures to achieve this by providing adequate standard of living and secure their socio-economic status and also ensure safety, care and protection of women against the social crimes that affect them

Table -1: Offences under the Indian Penal Code Protecting Women

S.No.	Name of the Offence	Section	Minimum Punishment	Maximum punishment
1	2	3	4	5
1.	Disclosure of the identity of the victim of certain	228-A	-	2 years and fine



	offences, etc.			
2.	Obscene acts and songs in Public Place	294	-	3 months or fine or both
3.	Dowry death	304-B	7 years	Life imprisonment
4.	Causing miscarriage without women's consent	313	-	Life imprisonment or ten years and fine
5.	Death caused by act done with intent to cause miscarriage as above – if without woman's consent	314	-	10 years and fine
6.	Simple hurt – wife beating	323	-	One year and also fine
7.	Grievous hurt-wife beating	325	-	7 years and also fine
8.	Wrongful restraint	314	-	1 month or fine or both.
9.	Wrongful confinement	342	-	One year or fine or both
10.	Assault or criminal force to woman with intent to outrage her modesty.	354	-	2 years or fine or both
11.	Kidnapping	363	-	7 years and also fine
12.	Kidnapping of a minor for begging	363-A	-	10 years and also fine
13.	Kidnapping or abducting in order to	364	-	10 years and also fine
14.	Kidnapping, abducting or inducing woman to compel her marriage	366	-	10 years and also fine
15.	Procuration of minor girls	366-A	-	10 years and also fine
16.	Importation of girl from foreign country	366-B	-	10 years and also fine
17.	Kidnapping or abducting child of ten years with intent to steal from its person	369	-	7 years and also fine
18.	Buying or disposing of any person as a slave	370	-	7 years and also fine
19.	Selling minor for purpose of prostitution	372	-	10 years and also fine
20.	Buying minor for purpose of prostitution	373	-	10 years and also fine
21.	Rape	376	7 years	For imprisonment of 10 years and also fine
22.	Sexual intercourse with	376-A	-	2 years and also fine



	one's wife living separately			
23.	Intercourse by public servant with woman in his custody	376-B	-	5 years and also fine
24.	Intercourse by Superintendent of Jail remand home etc.	376-C	-	5 years and also fine
25.	Intercourse by any member of the management of a hospital with any woman in that hospital	376-D	-	5 years and also fine
26.	Cohabitation caused by a man deceitfully inducing a belief of lawful marriage	394	-	10 years and also fine
27.	Bigamy	494	-	7 years and also fine
28.	Bigamy with concealment of former marriage	495	-	10 years and also fine
29.	Marriage ceremony fraudulently gone through without lawful marriage	496	-	7 years and also fine
30.	Adultery	497	-	5 years or fine or both
31.	Enticing or taking away or detaining with criminal intent a married woman	498	-	2 years or fine or both
32.	Subjecting a woman to cruelty	498-A	-	3 years and also fine
33.	Word, gesture or act intended to insult the modesty of a woman	509	-	One year, or fine or both

Conclusion

The dimensions of the modern version of inequality between men and women are still only partially understood by either policy makers. The Atrocities on women the unintended victims cannot wait, and call for immediate intervention by public authorities and persons who have social conscience, and can now help our less fortunate sisters to play a more effective and conscious role in the process which will transform their lives. The first exercise to improve the status of women is to destroy the invisibility

barrier. Family courts accessible and with women members should be set up to deal with family problems and disputes in a conciliatory manner. In addition legal literacy among both urban and especially rural women should be promoted. Legislation should be periodically reviewed to ensure that it keeps in tune with changing male and female roles and responsibilities and that it safeguards not only men's but also women's rights. The Narendra Modi government, on coming to power last year, had claimed women's safety as a priority. The union ministry of women and child development, there



was proposed 660 one stop crisis centres across the country, at least one in each district. But later, the government slashed the budget and allowed only 36 such centres to be built on a pilot basis, with Raipur hosting the first official one in the country. The one top crisis centre is an initiative of the women and child development ministry under the Nirbaya Fund. The first Nirbhaya centre, built at Rs.37.69 Lakh, has come up in Raipur, Chhattisgarh. This centre also has a 24-hour helpline service for distress and rescue calls. The Nirbhaya centres will provide free aid and assistances medical, police and legal and temporary accommodation to women affected by violence. While addressing a gathering of 50,000 women on the inauguration day in Raipur on July 16, 2015 union Minister for women and child development Maneka Gandhi said “whether domestic violence or harassment on public transport, women in India are fearful about where to go, who to turn to police blame women, or the judge in the court asks intrusive questions. We thought the one-stop centre would be a solution to that” (The Week, p.26).

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