

**Violation of Human Rights of Women in India**

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***Abstract***

*Human Rights are basic right to which every individual is entitled as a human being. They are the minimum rights, which are compulsorily obtainable by every individual. 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 considered to be superior. The women in India very often have to face discrimination, injustice and dishonor. Though women in India have been given more rights as compared to men, even then the condition of women in India is miserable. This paper will throw light on the human rights of women in India and also on how all the fundamental rights given to the women are being violated in India, by focusing on the various crimes done against them.*

**Introduction**

In the contemporary world voice of women is increasingly being heard in the streets, in the courts and in Parliament. Yet issues concerning women are not given priority in society. While women in the West fought for a century to get back basic rights as that of right to vote, women in India were at an advantage where the constitution of India has granted equal rights to the men and women. The State shall not deny to any person equality before law or the equal protection of laws within the territory of India;<sup>1</sup> and State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.<sup>2</sup> But today, it seems that there is a wide gulf between theory and practice. The women in India have always been considered subordinate to men. Though the provisions contained in the Indian constitution mandates equality and non – discrimination on the grounds of sex, women is always discriminated

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<sup>1</sup> Article 14 of Constitution of India

<sup>2</sup> Ibid Article 15

and dishonored. Although various efforts have been taken to improve the status of women in India, the notion of gender equality as under the constitution is miles away from becoming a reality.

Though Human Rights are the minimum rights, which are compulsorily obtainable by every individual but, it has been found that each and every right of the women is being violated in one or another way. 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 2012, and this has become true.

The survey of 2012 done by NCRB in five major cities depicts the growth of crimes rate against women.<sup>3</sup>

<b>Name of the City</b>	<b>Percentage of Crimes Against Women</b>
Delhi	14.2
Bangalore	6.2
Kolkata	5.7
Hyderabad	5.2
Vijayawada	5.2

In the above table it is clear that Delhi stands first in the percentage of crimes done against women followed by Bangalore in second place while Kolkata, Hyderabad and Vijayawada with slight differences in the crime rate. A total of 2,44,270 incidents of crime against women were reported in the country during the year 2012 than compared to 2,28,650 in the year 2011 recording an increase of 6.4% during the year 2012.<sup>4</sup>

Recently, NCRB has reported that the number of rapes in the country rose by 35.2 percent to 33,707 in 2013 - with Delhi reporting 1,441 rapes in 2013 – making it the city with the highest number of rapes and confirming its reputation as India's "rape capital".<sup>5</sup>

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<sup>3</sup> [www.ncrb.gov.in](http://www.ncrb.gov.in), Chapter 5 pg 88

<sup>4</sup> Ibid pg 79

<sup>5</sup> [www.reuters.com](http://www.reuters.com)

India's biggest city and business capital Mumbai, known for being more women-friendly, recorded 391 rapes last year, while IT hub Bangalore registered 80 rapes. This shows that crime rate has been increasing yearly.

Though government is taking a number of steps to improve the condition of women in India, but 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.

### **Violation of Human Rights of Women**

Very often it is said that women in India are enjoying the rights equal to that of men. But in reality, the women in India have been the sufferers from past. Not only in earlier times but even today women have to face discrimination, injustice and dishonor. The violations of women human rights are evident in the past customary practices, which often proved to be against the notion of gender equality.

### **Violation of Human Rights of Women in Past**

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 devadasis 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 wives of Rajput rulers, who were known to place a high premium on honour, followed this practice.

**Purdah-** Purdah is a practice 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.<sup>6</sup>

### **Violation of Human Rights of Women in general**

The Indian Constitution guarantees certain basic rights to women, which are often being violated by the traditional practices or by the system prevailing in the present society. These 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 in the eventuality of retirement, old age and sickness, Right to protection from inhuman treatment, Right to protection of health, Right to privacy in terms of personal life, family, residence, correspondence etc. and Right to protection from society, state and family system.

### **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, in the form of sex – determination tests leading to foeticide and female infanticide. The home, which is supposed to be the most secured place, is where a woman is often exposed to violence. In India, men are always assumed to be superior to women and are given more preference. The World Human Rights Conference in Vienna first recognized gender – based violence as a human rights violation in 1993. United Nations Declaration declared the same in 1993. The recognition of women's rights as human rights became international law when UN General Assembly adopted the Convention on the Elimination of All forms of Discrimination Against Women.<sup>7</sup>

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<sup>6</sup> RITU DHANOA, 'Violatio of women Human Rights in India', International Journal in Multidisciplinary and Academic Research (SSIJMAR) Vol. 1, No. 4, November-December

<sup>7</sup> Adopted on On 18 December 1979,

### **Violation of Right to Education-**

Education is considered as a means of development of personality and awareness. 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 even to have basic education. Despite 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 and the gender gap in literacy persists. More than two thirds of the world's 960 million illiterates are women.<sup>8</sup> The exclusivist state policy of control over curriculum choices, misappropriation of funds, non - implementation of education incentives and ideologically driven reforms and pedagogy are significant contributive factors.<sup>9</sup> 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.

### **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. 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.<sup>10</sup> Thus it is clear that 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. The Women's reservation Bill that was drafted in 1996 and introduced in Parliament in 2010 is forgotten text.

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<sup>8</sup> [Web.unfpa.org/intercenter/role4men/empower.htm](http://Web.unfpa.org/intercenter/role4men/empower.htm)

<sup>9</sup> [www.ijsrp.org/research-paper-1012/ijsrp-p1004.pdf](http://www.ijsrp.org/research-paper-1012/ijsrp-p1004.pdf)

<sup>10</sup> <http://www.dailymail.co.uk/indiahome/indianews/article-2112426/India-ranks-105th-world-womens-representation-politics.html>

### **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 on inheriting the property on the death of a person. The exceptions are Hindus, Sikhs, Jains, Buddhists and Muslims as they are governed under separate laws of succession.<sup>11</sup> In most of the Indian families, women do not own property in their own names and do not get share of parental property. The personal 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 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<sup>12</sup>.

### **Violation of Right to Health**

Malnutrition is the major cause of female infertility. The World Bank estimates that India is ranked second in the world of the number of children suffering from malnutrition. The UN 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 intra – 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 %.<sup>13</sup> Sometimes due to economic distress and natural calamities like floods, droughts or earthquakes, the discrimination against the female child increases. Moreover it has been confirmed by various studies that the girls' diet is inferior to the boys' diet both in quality and quantity.

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<sup>11</sup> Javed Razack, "Inheritance and Succession, Rights of Women and Daughters under Personal Laws", available at [www.lexorates.com](http://www.lexorates.com)

<sup>12</sup> *ibid* pg 5

<sup>13</sup> [www.unicef.org](http://www.unicef.org)

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 where women in India, who constitute a large share of world, are 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. 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. In agriculture where women comprise of the majority of agricultural labourers, the average wage of women is 30 – 50 % less than that of men.<sup>14</sup>

### **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 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.

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<sup>14</sup> Nagadevara, Vishnuprasad,, Journal of International business and economics, Jan 2009 Edtn

Thus, eve teasing denies a woman's fundamental right to move freely and carry herself with dignity, solely on the basis of her sex.

**Violation of Right to protection from society, state and family system-**

**a) Child Marriage-** Child marriage has been traditionally prevalent in India and continues to this date. UNICEF defines child marriage as marriage before 18 years of age and considers this practise as a violation of human rights. But a girl child in India is taken as a burden on the family. 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 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. This shows that the reasons for child marriages in India are so baseless. 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. However, the Indian boys have to suffer less due to male dominated society. 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 became mothers.<sup>15</sup> 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. Thousands of young 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 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,

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<sup>15</sup> Available at [www.icrw.org](http://www.icrw.org), 'Child Marriage facts and figures' 2007

around 5000 women die each year due to dowry deaths and at least a dozen die each day in kitchen fires.<sup>16</sup>

**c) Rape-** Young girls in India often are the victims of rape. Almost 255 of rapes are of girls 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.<sup>17</sup> The National crimes record Bureau statistics 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.<sup>18</sup> 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. 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.<sup>19</sup>

**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 stalking and battering include: - exploitation of women for demanding more dowry, discrimination of women, alienation of women's self acquired 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,

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<sup>16</sup> Taslima Nasreen, 'Bride Burning', Available at [www.freethoughtblogs.com](http://www.freethoughtblogs.com)

<sup>17</sup> Ms. Meredith McBride, 'Violence against women in India' available at [www.humanrightsasia.in](http://www.humanrightsasia.in)

<sup>18</sup> Available at [www.ncrb.org](http://www.ncrb.org)

<sup>19</sup> Available at [www.bprd.nic.in](http://www.bprd.nic.in), April- June report.

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 torture and will be considered as the aggrieved person. 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.<sup>20</sup> 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 cause of such violence. The pity women are unwilling to go to court because of lack of alternative support system.<sup>21</sup>

Thus though India has made strides in equality gain for women, many patriarchal and outdated laws have yet to be adjusted to reflect the changing attitudes in India. 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 values, Question always arises whether the laws and society's standards ensures that women get their rights? And that their 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.

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<sup>20</sup> DHAWESH PAHUJA, ' Domestic Violence against Women in India', available at [www.legalindia.in](http://www.legalindia.in)

<sup>21</sup> Ibid pg 5