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## HUMAN RIGHTS VIOLATIONS AGAINST WOMEN

### Article Particulars

Received: 28.7.2017

Accepted: 12.10.2017

Published: 30.10.2017

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### Abstract

*The gender violence is a universal phenomenon which takes forms across culture, race and class. The view violence against women as any action, policy or attitude which in any way is a violation of women rights on that basis, the view violence against women carried out by any individual, group, institution or society as human rights violations. It has been observed that the human right of the women is being violated in many fields. So, the objects to find out and make some mechanisms and system; and develop new strategies to empower women who also creative and equal partners in the future transformation of our societies; and whose contribution to give birth to human being is significant and greater than men.*

**Keywords:** *violence, women rights, human rights, women empowerment, discrimination, exploitation*

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### Human Rights and Women

In our country women are worshipped as goddess as mother and as 'creator'. It is presumed that the best creation belongs to women. Half of our populations too are women. Women have always been discriminated, suffered and are suffering in silence. Self-sacrifice and self-denial are their nobility and fortitude and yet they have been subjected to-all inequities, indignities and / discrimination.

The Indian society today is totally male dominated and biased against the female gender. This results in all sorts of exploitation and discriminatory practices. Obviously the status of Indian women is unjust and inhuman. For instance, female foeticide and female infanticide are wide spread and the practice of sati has also not disappeared. Yet women are frequently tortured in the broad day light because of insufficient dowry. Hundred of women commit suicide

either due to humiliating sexual atrocities on them or because of unbearable tortures by the husband or in-laws. The majority of Indian women who play the role of a faithful wife and self-effacing mother are forced to live a passive powerless and slavish life throughout.<sup>1</sup>

Meanwhile, the world is transforming itself fast and along with that there is also a visible change in the attitude of the people towards women. Women, on their part have been struggling through various organizations and movements to liberate themselves from the clutches of the male dominated social order. As a result of such efforts and also because of the changing environment there are signs of hope for the establishment of justice for the genuine gender. The process towards the realization of an equalitarian pattern of Man-Women relationship has begun and the idea of sexual equality is slowly precipitating into the minds of both men and Women.

So far as Indian is concerned, particularly after independence, various constitutional measures, different state's legislations, judicial decisions, the democratic policy, the awakening on the part of certain section of women, the influence of the feminist movements in the west, all these have helped to initiate the women's liberation in India. But we have miles to go before we can claim that there is gender justice in India. Despite all these efforts to promote the welfare of women, one has to admit that even now women in India are not treated with dignity. They are neither allowed, nor encouraged to enjoy their basic rights, and they are not accepted by men as equal to them. The pity is that the women themselves have not realized that they are equal to men.<sup>2</sup>

Women's rights are the collective rights of the women to be seen and accepted as a person with the capacity to act or decide on her own behalf and to have equal access to resources and equitable social, economic, political support to develop her full potential, exercise her rights as full human being and to support the development of others. Every human being in this world as a free person having equal rights. It was on this principle that the declaration of human rights was adopted on 10\* December 1948. The charter of U.N.O. makes it mandatory to its member nations to promote "Universal respect for all without distinctions as race, sex, language and religion". Such fundamental human rights are inherent in every human being and are universal and inalienable in character. The formation of Indian constitution has certainly been influenced by Universal declaration of human rights.<sup>3</sup>

The constitution of India gave women equal rights with men from the beginning. Article 14 of Indian constitution enunciates the general principle of right to equality and prohibits the state from denying to any person "Equality before law and equal protection of the laws". Article 15 prohibits the discrimination against any citizen on the grounds of religion, cast, race, sex or place of birth.

Nothing shall prevent the state from making any special provision for women and children.<sup>4</sup>

In India, women occupies a far more inferior position than men "in a culture that idealizes son's and dreads the birth of a daughter. Today the rejection of the unwanted girl can begin before the birth. Prenatal sex determination test followed by quick abortions eliminate thousands of female fetuses before they become daughters. Those girls who manage to survive till birth and beyond and find that the dice is heavily loaded against them in a world that denies them equal access to food, health care, education, employment and simple human dignity."<sup>5</sup>

### **Violence Against Women**

With increase in the number of cases relating to violence against women a new terminology was coined that is domestic violence. As this type of violence is increasing day by day there were pressures and protests against it. Since the police in a majority of cases refused to register cases, there was a demand for a special Act under which the offenders could be punished. Generally complaints can be registered only after an offence has been committed but in a situation of domestic violence a woman needs protection even before the crime is committed as she apprehends danger to her life from the assaulter on whom she is dependent and the threat is constant. To meet this challenge of violence the Criminal Acts were amended in 1983 and 1986 to create special categories of offences dealing with cruelty to wives, dowry harassments and dowry death. The first amendment introduced a new section "cruelty to wives" under section 498-A of IPC. Although it aimed to deal with dowry harassment and suicide it was wide enough to cover the incidents of domestic violence. It includes physical as well as mental violence of cruelty. The section is an effective deterrent to violent husbands if the judiciary and police interpret and enforce it in the right spirit. Denial of food, insistence on perverse sexual conduct etc.<sup>6</sup> Spousal disparity in educational attainment level or marital age, lack of autonomy within the house, dowry pressure, childhood abuse, unemployment, alcoholism and poverty were all correlated linked to high rates of domestic violence in India<sup>7</sup>. The existence of dowry and the role it plays in the abuse of women adds an additional complexity to domestic violence in India. Many studies of wife beating in India, point to the significance of dowry in reinforcing the role of as property and the power dynamics between families and women. In particular, a wife is abused by both husbands and in laws over dissatisfaction with dowry payments and the level of socially acceptable cruelty against women is tremendous. Despite the existence of Dowry prohibition Act of 1961<sup>8</sup>. Although reporting of dowry related abuse has grown it remains unreported due to social stigma and lack of confidence among women that there will be any recourse available it appears that while many

economic and social changes have occurred in India during the last century, as long as widespread ideology legitimizing the oppression of women remains unchallenged and unchanged, violence against women will continue to be severe and pervasive<sup>9</sup>.

### **Female Foeticide**

The violation of women rights to life starts even before she is born. Various tests are used to determine the sex of the foetus while, if female, is aborted. Amniosynthesis has been misused for female foeticide. The abuse of amniosynthesis is prevalent among all communities and is practiced by all, irrespective of the class, caste, religion, educational or cultural backgrounds. When All India Institute of Medical Science, New Delhi, initiated the amniosynthesis test, it was no wonder then that seven out of eight people who adopted for abortion for female foeticide did it "without undue anxiety". Female foeticides reinforces a women's current subordinate position "To pick a male is to declare that male are more valuable and female less, so, which in turn perpetuate the preference"<sup>10</sup>

### **Female Infanticides**

Though illegal, it continued to be practiced by certain communities in India, as shown by few studies. The practice of female infanticide among the Bhati community in Jaisalmer Rajasthan, has resulted in a ratio of approx. 560. Another study conducted by Aditi 1994 (Female infanticides in Bihar and FIRD, GOI, New Delhi) pointed to the prevalence of female infanticides in Sitamarhi, Purnea, Bhagalpur and Kaithar districts of Bihar.<sup>11</sup>

### **Dowry**

Dowry system has degenerated into a custom of extracting money from the bride's family. The internalization of the prevailing patriarchal values which view women inferior to men helps in perpetuating the custom of dowry. This system takes a sinister turn when girls are killed for not having brought enough dowry to the in-laws. The incidence of dowry death has been on an increase over the years. During 1992, dowry death constituted 6.3% of the crimes committed against women.<sup>12</sup>

### **Rape**

Rape is not only a crime against the person of a woman, it is a crime against the entire society. It destroys the entire psychology of a woman and pushes her into deep emotional crisis. It is a crime against the basic human rights and is also violation of the victims most cherishes of the fundamental rights to life contained-Article 21. Young girls are often the victims of rape and molestation. Almost 25% of rapes are of

girls under 16 years of age. However, since most rape incidents go unreported, the figure is an under-estimation.<sup>13</sup>

### **Prostitution**

It is the violation of women's rights to life, liberty, honour and dignity. It is sexual exploitation and abuse of women for commercial purposes. Prostituted women are considered victims of this exploitative process. No woman with self-respect could voluntarily choose to sell her body. Social sanction, low status and economic reasons lead many girls being forced into prostitution. In Mumbai, 20% of prostitutes are child prostitutes. Those who push her into it and live on her earnings are involved in immoral trafficking, are as criminals. Let the criminal law do everything possible to crush the operators of brothels and those forcing women into it.<sup>14</sup>

The failure of PITA, the scheme of rescue home, protection home, and correctional home have proved to be contributing to the victimization rather than protecting and rehabilitating women. The police who are supposed to offer protection to prostituted women are themselves part of exploitative machinery living on the earnings of the prostitutes. Then women are victimized again and again, denied basic rights, exploited and abused by a host of traffickers including law enforcement officials. After all, it is a question of dignity, self-respect and basic rights of women, freedom from exploitation, commodification and abuse.<sup>15</sup>

### **Inheritance**

The right to property is also wavering in the case of women. Very few women are able to assert their legal right to ownership of property; majority of women continue to be helpless despite legal right for a variety of reasons. The concern for rights to property for women resulted in the enactment of the revolutionary legislation, i.e. Hindu Succession Act of 1956. But a characteristic feature of Travancore-Cochin Christian Succession Law is a discrimination against women.

Immediate legislative measures are to be taken to bring Christian women of Kerala under Indian Succession Act, even though Mary Roy won her right to property from Supreme Court in 1986.<sup>16</sup>

The Indian Succession Act confers no restriction on the powers of a person to will away his property. Therefore, the protection enjoyed by a Muslim widow to the share of the estate and by Hindu widow to be maintained is denied to other widows under their law. There is a need to incorporate some restriction on the right of testation, similar to that prevailing under Muslim law to prevent a widow from being left completely destitute. The medley of law which governs inheritance, not only to female heirs of different communities but even of female heirs of the same community require immediate measures. Broad principles like

equal right to sons, daughters and widows, a restriction on the right of testation, so that dependant members are not left completely destitute are needed.

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