



## **VIOLATION OF WOMEN'S HUMAN RIGHTS IN INDIA**

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### **ABSTRACT**

*Human rights are the basic rights which are obtainable by every individual as he/she is a human being. As per Census of India 2011, women constitute 48.46 per cent of the total population. Hence, the importance of women as human resource in the overall progress of the country is great. The Constitution of India has enshrined the principle of gender equality and not only grants equality to women, but also empowers the state to adopt measures of positive intervention for women. It also assurance the equality of rights of every human being whether men or women. However, in the sphere of women's rights in India, there exists wide gap between theory and practice. Indian society is a male dominated society where men are always assumed to be superior. The women in India very often have to face discrimination, injustice and disrespect though they have been given equal rights to like men. The paper throws 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.*

**Key words:** *glory, new technology, mason, technological society, horizons*



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## **INTRODUCTION**

The constitution of India has granted equal rights to the men and women. According to Article 14 the State shall not oppose to any person equality before law or the equal protection of laws within the territory of India and Article 15 the states shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them. But today, as we can see that there is a big difference between theory and practice. The women in India have always been considered minor to men. Though the articles contained in the constitution directive equality and non-discrimination on the grounds of gender, women are always discriminated and dishonoured in Indian society. Although various steps have been taken to improve the status of women in India, the constitutional dream of gender equality is miles away from becoming a reality. Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement (World Women's Conference, Beijing 1995). Both men and women face violence, but majority of victims of sexual assault and domestic violence are women.

Though, Human Rights are the basic rights which are necessary obtainable by every individual as he/she is a member of human society. But it has been found that each and every right of the women is being violated in one or another way everywhere in India. The crimes against women in India are increasing at a very fast pace. A total of 3,37,992 cases of crime against women (both under various sections of IPC and SLL) were reported in the country during the year 2014 as compared to 3,09,546 in the year 2013, thus showing an increase of 9.2% during the year 2014. These crimes have continuously increased during 2010-2014 with 2,13,585 cases reported in 2010, which increased to 2,28,649 cases in 2011. That further increased to 2,44,270 cases in 2012 and 3,09,546 in 2013. In 2014, a total of 3,37,922 such cases were reported.

**Crime head-wise incidents of crime against women during 2010-2014 and Percentage variation in 2014 over 2013**

Sl.No.	Crime head	Years					Percentage variation in 2014 to 2013
		2010	2011	2012	2013	2014	
1	Rape	22172	24206	24923	33707	36735	9.0
2	Attempt to commit rape*					4234	0
3	Kidnapping and abduction of women	29795	35565	38262	51881	57311	10.5
4	Dowry deaths	8391	8618	8233	8083	8455	4.6
5	Assault on women with intent to outrage her/their modesty	40613	42968	45351	70739	82235	16.3
6	Insult to the modesty of women	9961	8570	9173	12589	9735	-22.7
7	Cruelty by husband or his relative	94041	99135	106527	118886	122877	3.4
8	Importation of girl from foreign country	36	80	59	31	13	-58.1
9	Abetment of suicide of women					3734	
A.	Total IPC crime against women	205009	219142	232528	295896	325329	9.9
10	Commission of sati prevention act	0	0	0	0	0	
12	The dowry prohibition Act	5182	6619	9038	10709	10050	-6.2
13	Protection of women from domestic violence act*					426	
14	Immoral traffic(prevention)Ac	2499	2436	2563	2579	2070#	
B	Total SLL crime against women	8576	9508	11742	13650	12593	-7.7
	Total(A+B)	213585	228650	244279	309546	337922	9.2

Source - ‘\*’ newly included crime head; ‘#’ modification in data in 2014, as figures refer to women related crimes only.

There is a need to discuss the rights of the women separately as women represents more than half the population of India, yet she is discriminated and violated in every time period of her life. Only women are a victim to crimes such as rape, dowry, bride burning, sexual harassment, selling and importation, prostitution and trafficking etc. Then how these Human Rights are beneficial to women? Though government is taking a number of steps to improve the condition of women in India, but there is a long way to go. The paper will study the various human rights of women in India and how they are being violated. Although special rights are being given to woman as compared to men, yet they are least beneficial to them.

### **Women human rights in India**

- ❖ 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 women human rights in the name of tradition**

It has been repeatedly said these days that women in India are enjoying the 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 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. 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.

### **Sati**

Sati literally means ‘a pure and virtuous woman’. Sati Pratha or tradition of widow burning at the funeral pyre of her husband has been a shameful social evil and an age old practice in Indian society. A widow was burned either with her tacit consent or most of the times forcefully by her in-laws after the death of her husband.

### **Purdah**

The word ‘purdah’ comes from the Hindu word meaning curtain or veil. Purdah is a complex set of rules, followed in some Muslim and Hindu societies, which restrict a women’s movements both in the outside world and within her own home. Meant to separate the family as a unit from those outside the family, purdah requires a woman to isolate herself from those who are not in her immediate family by veiling her body and face or sitting behind screens or curtains. The variation of purdah worn by Hindu women is known as [Ghoonghat](#). It takes two forms: physical segregation of the sexes and the requirement that women 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.

### **Devadasis**

Devadasis was a religious practice in some parts of southern India, in which women were married to a goddess 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 practice was followed by the wives of Rajput rulers, who are known to place a high premium on fame.

## **Types of Violence against Women**

Violence against women is partly a result of gender relations that assumes men to be superior to women. Given the subordinate status of women, much of gender violence is considered normal and enjoys social sanction. In India where half of the population is women, they have always been ill-treated and deprived off their right to life and personal liberty as provided under the constitution of India.

Now-a-Days Violence affects the life of women and girls in all socio-economic classes around the world. It cuts across cultural and religious barriers and takes a variety of forms. Violence against women is largely unreported. Fear and stigma often prevent women from reporting incidents of violence or seeking assistance. In fact, majority of women who have been physically abused by their partners have never informed the Police, NGOs or shelters.

- Drug induced violence
- Sexual violence
- Dowry related violence
- Violence at workplace
- Communal violence
- Mental violence
- Social violence
- Domestic violence

## **Drug Related Violence**

Alcoholism increases domestic violence against women and interruption takes place in the family. An alcoholic beats his wife and children. There are number of poor incidences has been occurred in the society. Besides husband who used illicit drugs, he also disturbed his family and spends his money without planning and he depends-on his wife. Women (who are

engaged in different paid works) are not allowed to have at least some money that they can spend as per their wish.

### **Sexual Violence**

In most of the cases the victim is branded as a woman of loose morals. Rape is viewed as a crime against the honour of not just the girl who is rape but also her family. Sometimes the nature of rape and the silence that tends to surround it makes it a particularly difficult human rights violation to investigate. Sexual violence has increasingly been used as a tool of war in the north east region. Hence for a long time, most cases of sexual violence resulting from the armed conflict involved states. Krishna Devi's case (a 30 year old woman lived in Manipur) illustrate the use of sexual violence in armed conflict scenarios in north- east India (report by North- East Network). Men also violate women's human rights through rape, threat of rape, forced prostitution etc.

### **Dowry Related Violence**

Of all the cases of violence against women the problem of dowry in the Indian society stands out in full force as the most brutal and common. Past few years, there has been increased dowry related violence in north- east India especially in Assam. For that, death by burning is often punishment for the poor, innocent girls who is unable to satisfy the greed of her husband and family in- laws or take the decision of suicide for dowry related tortures.

### **Violence at Work Place**

Informal sector is growing very fast in India. Jobs in the unorganized sectors of India are expanding very fast. These jobs are unregistered, unprotected and exploitative. Most of the women are engaged in these jobs and most of them are ill- paid, but do not leave the job due to increasing unemployment. Harassment at work place is all pervasive. They are not secured at their work place and face new challenges.

### **Communal violence**

There are many cases of state, communal and caste instigated violence. Victims of such violence are mostly women. Caste and communal violence are mostly targeting the women. Honour-killing is observed in several parts of the country.

## **Mental violence/psychological violence**

Emotional or psychological abuse includes any act intended to denigrate, isolate, or dominate a partner. Emotional abuse is intended to control victims by limiting resources and social contacts; creating actual and emotional dependence; and reducing victims' sense of self-worth, competence, and value. Emotional maltreatment can include verbal abuse, such as insults, criticism, ridicule, name calling, discrediting; isolation of the victim; control of social and family contacts; denial of access to finances; demonstration of extreme jealousy and possessiveness.

## **Violation of right from society, state and family system**

### **1) 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 that the reasons for child marriages in India are 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 mental state of young bride. However, 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. So, all this indicated that immediate steps should be taken to stop the evil of Child Marriage.

## **2) 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 dowries 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. Admittedly, this is not a recent problem, and a longstanding legal and social campaign has been conducted in India for many decades now to deal with the 'dowry problem'. The government promulgated the Dowry Prohibition Act in 1961 to deal with the practice of dowry. Various amendments have been introduced in the Act to widen its net and to make it tough. This act as well as the penal status – the Indian Penal Code, the Criminal Procedure Code and the Indian Evidence Act – has been amended on more than one occasion to deal with dowry-related violence. The executive has also been active with it specific focus Section 498-A of the Indian Penal Code deals with all cases of cruelty and harassment to women. This section made cruelty to married women punishable with imprisonment for a term, which may extend to three years and with fine. Through the Amendment Act of 1983, Sec 174 of the Criminal Procedure Code was amended empowering a magistrate to hold an inquiry and making the postmortem essential when a woman dies in suspicious circumstances within seven years of her marriage. A new section 113-A was inserted in the Indian Evidence Act reversing the presumption of innocence against the accused in the case of suicide by a married women.

## **3) Rape**

Young girls in India often are the victims of rape. Rape is the fourth most common crime against women in India. According to the National Crime Records Bureau 2013 annual report, 24,923 rape cases were reported across India in 2012. Out of these 24,470 were committed by someone known to the victim (98% of the cases). 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. 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. 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.

#### **4) Domestic violence**

Domestic violence is one of the greatest obstacles to gender equality. Domestic violence occurs in every society, irrespective of class, creed, religion and country. It obstructs women to secure their fundamental rights to equal protection under the law and the right to life and liberty. Family which was perceived as an arena of love, affection, gentleness and center of solidarity and warmth has now become a center of exploitation, violence ranging from slapping, hitting, homicidal assault by member of the family. Domestic violence is violence that occurs within the private sphere, generally between individuals who are related through intimacy, blood or law. It can take the form of mental, physical or sexual violence. It reflects the unequal treatment meted out to women in the areas of health, education and income. Due to the patriarchal structure of society, women have been relegated to a subordinate position. Wife beating, abuse by alcoholic husbands are 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 another cause of such violence. The pity women are unwilling to go to court because of lack of alternative support system.

#### **Stalking**

Stalking is unwanted or obsessive attention by an individual or group towards another person. Stalking behaviors are related to harassment and intimidation. By its nature, stalking is not a

one-time event, but rather a pattern of behavior meant to cause harm or distress. The individual's actions must be considered in connection with other actions to determine if someone is being stalked. It includes repeated harassing or threatening behavior towards another person. There are certain visible, though not universal, trends in reported instances of stalking. The majority of stalkers are male and the majority of victims are female. Stalking is often directly linked to domestic violence, as they both are crimes fueled by a need for power. Stalkers and their victims are often current or former intimate partners. In many instances, former partners will stalk women after they leave or attempt to leave the abuser. Male stalkers who target former intimate partners are likely than others to become violent

### **Trafficking of women**

Trafficking in persons is an increasing problem that involves both sexual exploitation and labour exploitation of its victims. Trafficking affects all regions and the majority of countries in the world. Both men and women may be victims of trafficking, but the primary victims are women and girls, the majority of whom are trafficked for the purpose of sexual exploitation. Traffickers primarily target women because they are disproportionately affected by poverty and discrimination, factors that impede their access to employment, educational opportunities and other resources. sex and labor trafficking of women is a complicated phenomenon with many forces that affect women's decisions to work abroad. Trafficking prey on women's vulnerable circumstances and may lure them into crime networks through deceit and false promises of decent working conditions and fair pay.

### **Safety and security**

Women should use caution when travelling in India. Reported cases of sexual assaults against women and young girls are increasing; recent sexual attacks against female visitors in tourist areas and cities show that foreign women are also at risk. British women have been the victims of sexual assault in Goa, Delhi, Bangalore and Rajasthan and women travelers often receive unwanted attention in the form of verbal and physical harassment by individuals or groups of men. Serious sexual attacks involving polish, German and Danish women travelers were reported in 2014.

### **Violation of human rights 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 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 feticide 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 anyway, 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. The "World Human Rights Conference in Vienna" first recognized gender based violence as a human rights violation in 1993. The same was declared by "United Nations Declaration" in 1993.

### **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 brought 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 populations are even unable to recognize language characters. At least 60 million girls lack access to primary education in India. 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 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 is based on the share received by the father.

### **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. Normally, the male members are fed before the female members of the family. According to Human Development Report, in rural Punjab, 21% of girls in low income families suffer from severe malnutrition as compared with 3 % of boys in the same family. Even the low income boys are far better than upper income girls. Girl babies are

fewer breastfed than boy babies. 60% of girl babies are born with low birth weight. 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 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 labor 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 laborers, the average wage of women on an average is 30 – 50 % less than that of men. Thus, all the 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 get such answers.

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