



A critical analysis of violation of Human Right's of Women in India

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ABSTRACT

Human rights are treated as fundamental rights in India. All people have an inherent rights according to Indian Constituion. Every person has the fundamental rights to which they are entitled as follow humans. All people have intrinsic human rights, regardless of caste. The Universal Declaration of Human Rights outlines universal liberties and rights. The Declaration was approved by the United Nations General Assembly on December 10, 1948. The nation's constitution enshrined human rights. Human rights are something that every person is entitled to. The Indian Constitution established the essential right for all people to live with pride and dignity. The Indian Constitution protects human rights.

Introduction

The United Nations declares to its member countries that all people have inherent human rights, regardless of their race, gender, nationality, ethnicity, language, religion, or any other status. Human rights encompass the freedoms of speech, religion, and the pursuit of happiness. They also include the rights to labour, an education, and gender equality. Without exception, all people have a right to these freedoms.

The Universal Declaration of Human Rights (UDHR)

The United Nations General Assembly has ratified the declaration known as the Universal Declaration of Human Rights (UDHR) (UNGA). It established the basis for all of its members' human rights to live in dignity. The Declaration was approved by the United Nations General Assembly on

December 10, 1948.¹ The UDHR has been essential for a dignified existence for people. The 30 articles that make up the UDHR outline a person's "basic rights and fundamental freedoms." They serve as the guiding principles and conventions for the protection of human rights. They exist everywhere, regardless of nationality, religion, or race.

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How are Human Rights enforced?

Although the contents of the Universal Human Rights Declaration are not legally obligatory, they

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have been incorporated into the legal systems of member nations. The government of the relevant country is responsible for upholding international human rights law. Governments are required to defend and advance human rights by outlawing violations of human rights laws as a member state of the UNHDR declaration.

Although the contents of the Universal Declaration of Human Rights are not legally obligatory, they have been integrated into the national legal systems of member nations. Any egregious violations of human rights, crimes against humanity, or war crimes may be tried in the relevant nation under the principles of universal jurisdiction or, depending on the specifics of the case, in an international criminal court.

People's Rights Women's rights violations are partially caused by the gender discrimination they experience. Gender violence occurs in male-female relationships within each household and society. Many societal and religious customs violate women's fundamental human rights. A terrible reality of marital relationships is inequality. The unfortunate truth is that women in India frequently experience prejudice, injustice, and dishonour. Women have historically been viewed as inferior to men in India's primarily male-dominated society.

In today's world, women are crucial. While making up half of the population, women still encounter and face a number of barriers that prevent them from reaching their full potential for development. This dismissive history, when women were viewed as less important than males everywhere, inspired efforts to emphasise the needs and interests of women, acknowledge their contributions at all

times, and figure out how to get through obstacles that prevented their empowerment.

Human rights violations against women can be seen in

Lost Girls and Women

As stated in the NCRB Report a significant number of women disappear from their homes each year in India; some are reported in the form of FIRs to the relevant Police stations, while others go undetected. Women from low-income families and those without surviving members of their immediate family are in the worst condition. Women and girls go missing in numerous Indian states. Women's trafficking is one of the main causes of missing women and young girls.

They are severely abused, frequently denied food, treated like sex slaves, and left at the mercy of their abusers. In northern India, where the issue of an unbalanced gender ratio is quite evident, the women from poor households are sold by their family members to the brokers for financial advantage to the brokers and males. In the population, there, the proportion of women is lower than that of men. There are some ladies who experience maltreatment in their married homes and disappear.

Crime against women

India is experiencing a rapid rise in the number of crimes against women. The National Crime Records Bureau (NCRB) data indicates that crime against women increased by 15.3% in 2021. The research also shows that the number of incidences per 1 lakh people climbed from 56.5% in 2020 to 64.55% in 2021. "Cruelty by husband or his relatives" accounts for 31.8% of instances,

followed by "Assault on women with purpose to insult her modesty," kidnapping and abduction, and rape.²

Dowry deaths

Dowry deaths are those of married women who are murdered or compelled to kill themselves as a result of constant abuse from their husbands and in-laws for failing to pay the demanded dowry. Every day, women in India lose their lives as a result of dowry, which is a heinous injustice to their rights. Data from NCRB show that 7.1 out of every thousand cases were reported in 2019. Over 6,800 dowry killing incidents were registered in India in 2021. In India, twenty women are murdered for dowry every day. In India, there were a total of 35,493 dowry fatalities between 2017 and 2021, according to the Union Home Ministry's response before the Parliament.³

Child marriage

When a marriage occurs before the legal age, it is referred to as a child marriage and the legal age for women to get married in India is 18. It has its roots in the persistent gender disparity. The practise of child marriage robs young girls of their childhood at a time when they are not yet physically or psychologically capable of caring for a kid or managing a household. They encounter difficulties receiving an education, enrolling in school, enjoying other childhood activities, and developing their skills and abilities. Additionally, it negatively impacts the social, psychological, and emotional growth of young girls.

Male Child Preference

In India, it is more common to favour male children because they would continue the family's

tradition and are seen as contributing members who can provide money for the household. It has its historical roots in Indian society's patriarchal structure. In Indian society, having a son is strongly preferred and has been for centuries. Males can contribute more since they are biologically stronger than females when it comes to manual labour, which is needed in the agricultural industry. The general perception is that males will contribute to creating welfare and strengthening the reputation of their families, and they are considered as an asset for the family.

Female Foeticide and Female Infanticide

When a prenatal diagnostic test reveals that a foetus is female and the foetus is aborting a female foetus, this is known as female foeticide. Female infanticide, often known as the death of a girl kid before she gives birth, is the murdering of a girl child once she is born. These actions constitute a flagrant breach of a girl child's right to life and other basic human rights. Strong preference for male children is due to the fact that families feel it is their responsibility to educate girls before paying dowries for their marriage. This strains the finances of families, and girls are viewed as burdens. In addition to the fact that families take pleasure in their male children, it is thought that the male child will uphold family honour through strengthening the family legacy. The expectation is that male children will produce riches for their particular families.

Right to Education

One of the most significant human rights is education. Education gives people the chance to learn the knowledge and skills they need to reach

their full potential, but the status of women in India's educational system is not sufficient. The total literacy rate in India is 74.04%, with males having a literacy rate of 82.14% and females having a literacy rate of 65.46%, according to the government of India's 2021 census. At the national level, there is a difference in education between men and women of 16.68 percentage points. The disparity is even wider in rural areas. Young girls are denied access to even the most basic education in metropolitan settings. For the development of personality and consciousness, education is crucial. Although there was a noticeable increase in literacy rates after the country gained its independence, there is still a sizable discrepancy between the literacy levels of men and women. The number of women who are unable to distinguish language characters is over half. India's female girl children still don't have access to primary education, and there is still a literacy disparity between men and women. Knowledge is strength. Education is the means by which societal awareness is raised and discriminatory behaviour against women is reduced. The unpalatable fact is that India has a high number of uneducated women.⁴

Politics and Women

In India, the status of women in politics is really deplorable. There is extremely minimal female representation in Parliament, provincial legislatures, and higher political institutions. According to a global ranking of women in national parliaments, India comes in at number 109. Just 11% of members of the Lower House, or the Parliament, and 10.6% of members of the Upper House, or the Rajya Sabha. In spite of their

vocal support for the 33% reservation of seats for women in Parliament and state legislatures, it is obvious that men dominate Indian politics and that practically all political parties do nothing to help women in elections. According to their share in the population, political parties frequently do not officially nominate women to run in elections.

Violation of Women Right to Property

In India, women have long fought for the right to inherit family property. The Indian Succession Act, 1925 governs the laws pertaining to inheritance and succession. Each Indian has an equal right to inherit property upon a person's death under the terms of this Act. In Indian families, most women do not actually own property in their own names or receive a piece of the parental estate.

In India most women are hesitant to demand for their property rights as the family and the society does not look it up in a healthy manner, the demand for property by women is frowned by many in the society. When women demand a share in the household property often they are dragged by the family members in the long court battles which is a toll on women as majority of them are not financially sound to fight legal battles for long time as the civil suits take years and often women find it hard to appear in the dates in the Court, Besides when women complaint to have a share in the house where they can live in the same house, instead of providing immediate relief to the women the enforcement of laws protecting the women is weak. The boys and daughters each received a separate share of the family's assets, but the inheritance rights granted to the women were based on the father's share. The boy will continue to hold

a share in his own right despite the father's decision to renounce the daughter's portion. Many Indian families consider that married daughters who experience harassment in their marriage home should not ask for or be granted any rights in the family home.

Right to equal wages for equal work

Even though articles 14, 15, and 16 of the constitution mandate equal pay for equal effort. The right to equal pay for equal work is granted to all employees, men and women alike. Equal compensation for equivalent work is nevertheless discriminatory. In India, there is a pay difference between the sexes. Women who work longer stretches of time put in more hours as agricultural labourers in the fields in rural areas than males, yet they are paid less. Women daily labourers who frequently put in more hours and work hard in the manufacturing and construction sector in urban regions are paid less than men. In addition to being discriminated against, semi-skilled job is not taught the latest technical advancements.

Right to Health

Female infertility is primarily caused by malnutrition. On the World Hunger Index, India was placed 107th out of 121 nations. According to the World Bank, India is the country with the second-highest number of malnourished children in the world. In comparison to male children, who will eventually become the family's breadwinners, there is a greater prevalence of excessive malnutrition among female youngsters. Inequalities in the intra-family distribution of food between the male and female children exist in the lower strata of society. Food that was intended for the ladies is

left over after the males eat. Several States have various malnutrition rates, with Madhya Pradesh having the highest rate (55%). Diet of women often seen is inferior to the men both in quality and quantity. This makes them vulnerable to diseases.

The Supreme Court of India in **Paschim Bangal Khet Mazdoor Samity case (1996)**⁵ held that in a welfare state, the primary duty of the government is to secure the welfare of the people and moreover it is the obligation of the government to provide adequate medical facilities for its people.

Forced Eviction

After a husband passes away, widows are mistreated in matrimonial houses. Frequently, they are not allowed a shared room to reside in the house and are frequently expelled. Women are expected to take care of their wants and requirements on their own when their husband passes away since they are literally left on the road with no shelter, no stake in the property, and frequently no income. To be evicted along with their children. Women experience all kinds of trials and difficulties after being forced out of their homes in order to survive. A single lady who has no family to support or land of her own frequently ends up in an urban slum.

Constitution of India provide Fundamental Right

The Indian Constitution guarantees the fundamental rights to all citizens, but it also contains measures that protect the rights of women, such as:

- Article 14 Equality before Law.
- Article 15 Prohibition of discrimination on

grounds of religion, race, caste, sex or place of birth.

- Article 16 Equality of opportunities in matters of public employment
- Article 19 Protection of certain rights every citizen has right to freedom of speech and expression.
- Article 21 Protection of life and personal liberty.

National Human Rights Commission

The protection and promotion of human rights are the responsibilities of India's National Human Rights Commission (NHRC), a statutory public agency established on October 12, 1993. It serves as the nation's human rights watchdog. The National Human Rights Commission of India's responsibility is to look into cases of human rights violations. The NHRC has the right to intervene in any legal action involving a claim of a human rights violation.

Conclusion

There are plenty of regulations in India, and the country's constitution guarantees equality to every individual. Due to the dominant patriarchal mindset in society, women's human rights have been flagrantly abused notwithstanding the legal framework. The need of the hour is to put into practise the vision of the constitution makers to provide women with equal status and encourage them to live a dignified life by protecting their human rights. It is frequently observed that the decision-making power does not rest with the women; instead, they are considered subordinate to men.

Endnotes:

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- ¹ <https://www.un.org/en/global-issues/human-rights>
 - ² <https://ncrb.gov.in/en/search/node/crime%20against%20women>
 - ³ <https://www.dailypioneer.com/2022/page1/20-women-killed-every-day-for-dowry-in-india.html>
 - ⁴ <https://censusofindia2021.com/literacy-rate-of-india-2021/>
 - ⁵ 1996 SCC (4) 37