

## Human Rights of Women- Violation and Enforcement

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### Introduction

Human rights as the bedrock of Indian Constitution and political system are viewed as a set right by which human best selves are realized dignity of individual and human being are ensured and potentialities of human being are excelled. There are exclusively designed to keep human beings all secured and protected from police and anti-social torture custodial death, illegal detentions and excess. As security shield against all forms of extremes human rights impose its substance in modern times. This paper aims targeting the forces that are violating human rights in random at the present Era. The term human rights have been existed, since the form of human civilization. But the concept of human rights first presented and the process or reorganization commence in 1215. This concept came forward when the rebellion of feudal barons against king John of England brought about the proclamation of Magna Carta. In the eighteenth and nineteenth centuries in Europe two schools of thought have contributed to the evaluation of the concept of human rights. Firstly the liberalized school was advocated by the philosopher Hobbes, Locke, Rousseau and Bentham. John Locke is the father of "Natural Rights" according to him the rights belong to person by nature. Because he was a human kind not by virtue of his citizenship of a certain nation or a membership on a particular social or religious group. According to Locke there are three natural rights such as: (a) Right to life (b) Right to liberty and (3) Right to property. He has thrown his opinion that these rights are self evidently necessary as they existed in the state of nature before entered the mankind into civil society through the social contract. The word natural rights could not popularize. But the universal rights took root and it had greatly influenced the drafting of various declarations and inspiration for revolutions. Later on as well philosopher like Thomas Paine, J.S. Mill and Henry David and Thoreau expended the concept. Thoreau is the first philosopher who used the term human rights in the treaties civil disobedience. This idea has been extremely influential on person like Leo Tolstoy, M.K. Gandhi and Martin Luther King. The other proponents of human rights were English philosopher John Stuart Mill in his essays on "Liberty" and American political theorists Thomas Paine in his essay "The Right of Man" the 19th century was witnessed the number of issues were taken centre stage. They included brutal working conditions, slavery, starvation, child labour. violation against women, many of them still taking in the early 21st century are considered very important. Second, the Marxist schools of thoughts which led by the great German philosopher Karl Marx and his followers believed that the full realization of individuals self is possible only within the society.

**Magna Carta, 1215:** Magna Carta is the first movement and document on human rights. Through the Magna Carta first time in the history the people fought for rights against state or king and demanded freedom from the control of state, which was happened in the year of 1215.

**English Bill of Rights, 1689:** The English Bill of Rights called as "An Act Declaring the rights and liberties of the subject. It was setting the succession of the Crown" is an activity of parliament of England. Then it was passed by December 1689 which was the basic instrument of the British Constitution. Result is that the struggle between the royal power, the people and parliament, the Act aimed at protecting the rights of parliament by presenting the monarch from exercising the pretended power of suspending of laws. It was a re-statement in legal form of the declaration of rights presented by the Convention Parliament to William and Mary in March 1689, which was dealt with inviting them to become joint sovereign of England. In United Kingdom the bill of rights is further accompanied by Magna Carta. Habeas Corpus Act 1679 and Parliament Act 1911 and 1949 as some of the basic documents of the British Constitution. In the English Bill of Rights following rights were considered.

- (1). Freedom royal interference with the law.
- (2). Freedom to petition to monarch.
- (3). Freedom from standing army during a time pace.
- (4). Freedom to elect Member of Parliament without interference from the sovereign.
- (5). Freedom of speech and debates.

**International Bills of Right:** In World War-II it was happen with the mass destruction of people and large violation of human rights. The world leaders did not want to face such war and killing of innocent people again. So they came together and form United Nations Organizations in 1945. In 1946 the International human rights law was built. Then the UN established a commission on human rights which had to work on international Bill of Rights. The Universal Declaration Covenant on Civil and political Rights 1966. The International Covenant on Civil and political Rights, 1966 and the international Covenant to Civil and political Rights aiming at the abolition of the death penalty 1989. The Bill is guided by the principle of equality in rights and non-discrimination.

**Other Landmark Documents:** Beside above important landmarks in the evolution of human rights. There are some other international documents which also galvanized the human rights movements' instance:

- (1). The international convention on elimination of all forms of racial discrimination ratified in 1968.
- (2). The convention of rights of the child accepted in 1992
- (3). The convention on elimination of all forms of discrimination against women, 1979

(4). Vienna World Conference on Human Rights, 1993

**Definition of Human Rights:** There are so many philosophers who have thrown their valuable opinions regarding human rights. They are:

**According to AJM Milre-** "There can be no human community without rights".

**According to Plano and Oltan-** "Human rights are those rights which are considered to be absolutely essential for the survival and personality development of human being."

**According to Scot Davidson-** "The concept of human rights is closely connected with the protection of individual from the exercise of state government of authority is certain areas of their lives, it is also directed towards the creation of societal conditions by the state in which individuals are to develop their fullest potential". Above definitions of human rights clearly indicates that human rights whether recognized or not belong to all human all times, every places and none can be try to violate these rights.

**Human Rights in India:** India became independent in 1947. Throughout their struggles for freedom from the British imperialism, the Indians fought for their human rights, which included the right of independence, which was the very basis of their struggle. Naturally after the independence when the people got the opportunity to make their own constitution through their Constituent Assembly they lost no time to deciding to grant and constitutionally guarantee the fundamental rights and freedoms to all the people without any discrimination. From that India has been fully involved in the exercise aimed and ensuring the protection of all human rights of all the people.

**Machinery for the Protection of Human Rights:** The State Apparatus and Institutions: Since 1947, steps have been taken to ensure the enjoyment of human rights by the people. The independence of judiciary, separation judiciary from the executive, rule of law and judicial review are the feature of the Indian Constitutional System designed to protect these rights.

**The Democratic Polity:** Due to adoption of democratic constitution, a republic and parliamentary form of Govt. there is the provision for the enjoyment of human rights, by the Indian people.

**The Commitments:** India has the committed itself to grant, preserve, protect, defend and secure the rights and freedom of the people without any discrimination forms an essential part of the Indian political system.

**The Commitment to Realize Sustainable Development:** As a whole India has been trying hard to secure all round development of the people. It recognizes the right to develop as basic human rights. It means right against

poverty, illiteracy, hunger, disease, scarcities and wants. It involves attempts at poverty, alleviation, spread of education and enlighten all. It embraces all aspects of human development like security, welfare, health, wealth, well being, education, prosperity and a higher standard of living.

**Protection of Human Rights in a pluralistic Society:** India is a pluralities society. Because there are along with a large number of socio-economic, religious, linguistic and cultural diversities in India. Among these diversity India has provision to give protection of human rights and freedom of all the people. Hindrances in the Way of the Protection of Human Rights There are a several difficulties in the way of the protection and promotion of human right in the country. They are social hindrances in the way of the protection of human rights: Castism is a very social hindrance in the Indian society to protect the human rights. Because Indian society is a caste based society. It has divided in two classes such a higher class and lower class. The higher class people are taking revenge from the lower class people. In the process persons belonging to all the cases repression and violence.

**Restrictions on Democratic Rights:** After passing of the first Amendment Act in 1951 the process of placing restrictions upon democratic rights have been going on in India. The 4th, 16th, 17th, 24th, 42nd, and 59th amendments have all been links in the process of restrictions.

**Repressive Legislation:** Many laws have been making regarding protection of human rights. But the state executives for one reason or the other, either for protecting the state or themselves have been enacting laws curtailing the democratic rights of the people including life and liberty. The list of such laws includes the Preventive detention Act-1950, the Defense of India Act-1962, the Maintenance of Internal Security Act- 1971, the National Security Act-1980, the Essential Services Maintenance Act-1981, the Terrorist and Disruptive Activities Act - 1987, the Prevention of Terrorism Act - April 2002 (POTA) however was terminated by the UPA Government in December 2004. The Andhra Pradesh Suspension of Disturbances Act-1948, the Punjab Security of State Act-1949, the Bihar Maintenance of Public Order Act- 1949, the Assam Disturbed of Violent Activities Act-1955, the West Bengal prevention of violent Activities Act-1970 and the North Eastern parts of the country the UP Gangster's and Anti- Social Activities Act-1986 and the J and K Enemy Agents Ordinance No. - VIII of 1995. These acts have been both used and misused by the State Governments in their respective territories.

**Terrorism, Militancy, People's War Groups and Revolutionary Groups:** In several parts of India, several terrorist and militant groups have been operating. They have been using violence against the common man and spreading terrorism which is regarded by them as a means

for securing their desired objectives. These groups have been violating the human rights of the people in general.

**Proliferation of Coercive State Apparatus:** The state Government has formed the CRPF, CISE, NSG, BSF and RDF to save the human beings from repressive from various aspects. Apart from this these forces are used by the state for curbing civil strife, unrest and militancy. These forces are deployed by the state in the interest of preserving the unity and integrity of the nation. But sometimes their activities involve an excessive use of force.

**Police and Bureaucratic Delays and Excesses:** Another unfortunate constraint upon human rights in India happens to be the machinery intended to preserve law and order by bringing the culprit to book the police and bureaucracy. Sometimes they are involved in violations of human rights. So many times the police, the bureaucracy and, the parliamentary forces act in a partisan to corrupt and brutal way. The Bhagalpur bindings, the cases of Bagpat, Arwal, Mehsana and others can be as bright examples for it. All these points appear to project a very sad picture of human rights in India. Though India is a democratic country having all kinds of rule and regulations in Indian Constitution like Fundamental Rights and Directive Principles of State policies. Yet it has been violating in so many aspects. From the side of violating aspects of human rights. The women and children are bright example regarding this.

**Violation of Human Rights:** Deviation of constitutional rules and regulations is known as violation. In the modern society there are so many rules are going to violate from day to day. Among these rules human rights is one of them. Basically the human rights of women and children are going to be violating in every good morning to good night from Fundamental Rights to Directive Principle of State policy. Among them some examples may be quoted here. The constitution of India has granted equal rights to the man and women. According to Article 14- The state shall not deny to any person equality before law or the equal protection of laws within the territory of India. And Article-15 states, State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. But today it seems that there is wide difference between theory and practice. The women in India have always been considered subordinate to men. Though the articles contained in the constitution mandates equality and non- discrimination on the grounds of sex, women are always discriminated and dishonored in India society. Although various efforts have been taken to improve the status of women in India. The constitutional dream of gender equality is miles away from becoming a reality. Though human rights are the minimum rights which are compulsorily obtainable by every individual as he/she is a member of human society. But it has seen founded 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. She is discriminated and violated in every sphere of life. Only

women are prey to crimes such as rape, dowry, bride burning, sexual harassment, selling and importation, prostitution and trafficking etc. This year there has been 20% increase in women trafficking, procurement of minor girls accounted for 19.8% importation of girls accounted for 4.9% buying for girls for prostitution accounted for 2.3% approx. Then how these human rights are beneficial to women?

**Violation of Right to Equality and Right to Protection against Gender Discrimination:** When a girl child enters into the mother's womb the discrimination against her starts. The child is exposed to gender differences since birth and recent times even before birth in the form of sex determination tests leading to foeticide and female infanticide. The World Human Rights Conference in Vienna first recognized gender based violence as a human rights violation in 1993.

**Violation of Right to Education:** Education is one of the most important human rights but the position of women's education in India is not at all satisfactory. There is a large gap between the literary levels of men and women. At least 60 millions girls lack access to primary education in India.

**Violation of Political Right:** The political status of women in India is very unsatisfactory. Particularly their representation in higher institutions like Parliament and Legislative Assembly is very less. Their representation has been unable to reach 10% in Lok Sabha though they have 33% seat has reserved for them.

**Violation of Rights 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. Though women have been given rights to inheritance but the son's had an independent share in the same property. Due to weak enforcement of laws protecting them. In fact the laws discriminate against women.

**Violation of Right to Protection of Health:** According to the World Bank Report, malnutrition is a major cause of female infertility. Normally the male members are fed before the female members of the family. Girl's babies are fewer breasts fed than boy babies 60% of girls babies are born with low birth weight. Boys are given more nutritive foods like milk, eggs, butter, ghee, fruits and vegetables as compared to girls.

**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 new industries is very less in 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.

**Violation of Rights to Live with Dignity - Eye Teasing and Sexual Abuse:** Eye 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 woman'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. There is no place for her safe like roads, buses, train, cinema halls, parks, beaches even a woman's house.

#### **Violation of Right from Society, State and Family System:**

**(a) Child Marriage:** Violation 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. This type of law is violating. Some believe that, they marry girls at an early age so as to avoid the risk of their unmarried daughter's getting pregnant. Basically this phenomenon of child marriage is linked to poverty, illiteracy, dowry, and other social evils. A study showed that around 56% girls from poorer families are married underage and became mother.

**(b) Dowry Harassment and Bride Burning:** The demand of dowry by the husband and his family and then killing of the bride is 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. According to Survey around 5000 women die each year due to dowry deaths and at least a dozen die each day in kitchen fires.

**(c) Rape:** In India young girls often are the victims of rape. Almost 355 of rapes are of girls under 16 years of age and 20 girls under 10 years, 420 women above 21 ages and 05 widows of this year 2013.

**(d) Domestic Violence:** There are so many husbands in India who are alcoholic oriented. Many times they are beating their wives. It is also violence against women. The cause is mainly the man demanding the hard earned money of the wife for his drinking. Apart from these the political oppression, torture, sexual humiliation are also major violation of women human rights in India.

**Child Labour:** Child labour is a major violation of human rights. In 1977 India passed legislation that prohibits use of bonded labour by any one of including children. Evidence of continuing bonded child labour continue. The presence of a large number of child labourers is regarded as a serious issue in term of economic welfare. Children who work fail to get necessary education. They do not get the opportunity to develop physically, intellectually, emotionally and psychologically.

Child labour in India are employed with the majority 70% in agriculture, some in low skilled labour intensive sectors such as Sari weaving or as domestic helpers, which require neither formal education nor training but some in heavy industry such as coal mining. In 1989 Shubh Bhardwaj reported that child labour is present in India's fireworks industry and safety practices poor. Child labour is common in small shed operation in the unorganized sector. Then

according to 2002 report by International Labour Organization claims that child labour is significant in Tamil Nadu's fireworks, matches or incense sticks industries.

**Silk Manufacture:** According to 2003 Human Rights watch report claims as five years old children are employed and work for up to 12 hours a day and six to seven days a week in silk industry. These children claims are bonded labour, even though the Govt. of India denies existence of bonded child labour. German News Investigative Report 2010 claimed that in states live Karnataka Non- Governmental Organizations had found up to 10,000 children working in the 1,000 silk factories in 1998.

**Coal Mining:** According to Article 24 in Indian Constitution-1952 prohibiting employment of people under age of 14 in the mines primitive. This Act has been also violating. According to the international media in 2013 discovered that a more number of child labour are working in the coal mines of Meghalaya.

#### **Conclusion**

Human Rights drive from the inherent dignity of the human being. Through this right a human can explosion himself as a human being. After a long long years of independence the international law of human rights have not touched a great success in progressive development. Regrettably human rights are being violated in many parts of the world in the majority case of women and children. The idea came out that, development in their implementation depends on the knowledge of relevant standards and procedures. Obviously the fundamental freedom can only be observed when they are known fundamental knowledge can be possible through education. So education is the most important for human rights.

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