

Chief Editor

Dr. A. Singaraj, M.A., M.Phil., Ph.D.

Editor

Mrs.M.Josephin Immaculate Ruba

EDITORIAL ADVISORS

1. Prof. Dr.Said I.Shalaby, MD,Ph.D.
Professor & Vice President
Tropical Medicine,
Hepatology & Gastroenterology, NRC,
Academy of Scientific Research and Technology,
Cairo, Egypt.
2. Dr. Mussie T. Tessema,
Associate Professor,
Department of Business Administration,
Winona State University, MN,
United States of America,
3. Dr. Mengsteab Tesfayohannes,
Associate Professor,
Department of Management,
Sigmund Weis School of Business,
Susquehanna University,
Selinsgrove, PENN,
United States of America,
4. Dr. Ahmed Sebihi
Associate Professor
Islamic Culture and Social Sciences (ICSS),
Department of General Education (DGE),
Gulf Medical University (GMU),
UAE.
5. Dr. Anne Maduka,
Assistant Professor,
Department of Economics,
Anambra State University,
Igbariam Campus,
Nigeria.
6. Dr. D.K. Awasthi, M.Sc., Ph.D.
Associate Professor
Department of Chemistry,
Sri J.N.P.G. College,
Charbagh, Lucknow,
Uttar Pradesh. India
7. Dr. Tirtharaj Bhoi, M.A, Ph.D,
Assistant Professor,
School of Social Science,
University of Jammu,
Jammu, Jammu & Kashmir, India.
8. Dr. Pradeep Kumar Choudhury,
Assistant Professor,
Institute for Studies in Industrial Development,
An ICSSR Research Institute,
New Delhi- 110070, India.
9. Dr. Gyanendra Awasthi, M.Sc., Ph.D., NET
Associate Professor & HOD
Department of Biochemistry,
Dolphin (PG) Institute of Biomedical & Natural
Sciences,
Dehradun, Uttarakhand, India.
10. Dr. C. Satapathy,
Director,
Amity Humanity Foundation,
Amity Business School, Bhubaneswar,
Orissa, India.



ISSN (Online): 2455-7838

SJIF Impact Factor : 6.260

ISI I.F. Value : 1.241

EPRA International Journal of

Research & Development

(IJRD)

Monthly Peer Reviewed & Indexed
International Online Journal

Volume: 4, Issue:8, August 2019

Indexed By:



Published By
EPRA Publishing

CC License





FUNDAMENTAL AND EQUAL RIGHTS OF WOMEN'S IN INDIA

Mrs.A.Sudha

H.O.D. & Assistant Professor, Department of History, Gobi Arts and Science College, Gobichettipalayam, Erode District, Tamil Nadu-638453.

Mr.S.Parthipan

Research Associate (ICSSR) & Ph.D., Research Scholar, Department of Economics, Gobi Arts and Science College, Gobichettipalayam, Erode District, Tamil Nadu-638453.

ABSTRACT

In the past, human rights had been conceptualized in a way that did not take account of women's lives and the fact that they experienced violence, crime, discrimination and coercion. In the past, women followed certain norms and traditions that put many restraints upon them, primarily in the male dominated society. The work of activists, human rights mechanisms and States has been critical in ensuring that the human rights framework has developed and adjusted to summarize the gender specific dimensions of human rights violations to safeguard women in a better way. Efficiently ensuring women's human rights requires a wide-ranging understanding of the fundamental societal structures and power relations that define and stimulate the ability of the women to enjoy human rights. These power structures have an impact on all aspects of life, from law and politics, to economic and social policy, family and community life, education, training, skill development and attainment of employment opportunities.

KEYWORDS: *Women, Empowerment, Rights, Violations, Education, Development*

INTRODUCTION

Achieving equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and United Nations values. Women all over the world, however, commonly experience violations of their human rights throughout their lives, and human rights of women has not always been a priority. Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience

discrimination and are deprived of equality so as to develop appropriate strategies and norms to eliminate such discrimination. Some groups of women experience additional forms of discrimination, based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socio-economic status. These interconnecting forms of discrimination must be taken into account when formulating measures and responses to combat discrimination against women (Women's Rights are

Human Rights, 2014). Combating against discriminatory treatments is essential for the progress of women. Besides these, one should give priority to the rights of women and promote their effective implementation.

Women have an important role to play in the society. They are regarded as primary sources that raises and nurtures the family. In spite the fact that the women's contribution to the progress of the country is equal to that of their male counterpart, still they experience a number of limitations that restrict them from realizing their potential for growth. It was against this perspective that the governments all over the world, felt the need to prioritize the needs and interests of women and recognize their contribution in various stages and overcoming impediments that would take place within the course of their empowerment. The term, women's empowerment implies the capacity of the women in taking all the important decisions on an independent basis that are related to her, throughout her life span that will lead to her success in all phases of life (Saryal, 2014).

DIAGRAMMING OF VIOLATIONS OF WOMEN'S RIGHTS

The areas that violate the rights of women in India have been stated as follows:

Missing of Women and Girls

In many developing countries, the idiom of "missing women" has been used, when it was found, the proportion of women as compared to men is low in population. In many states of India, women and girls go missing. One of the primary reasons that lead to their missing is trafficking.

Dowry Deaths

In India, there has been an increase in the dowry deaths of women in their matrimonial homes. Disputes relating to dowry have become a serious problem. The National Crime Records Bureau reported, in 2012, around 8233 newly wed women were killed for dowry.

Domestic Violence

There has been prevalence of domestic violence in India, in spite of the Protection of Women from Domestic Violence Act, 2005. Domestic violence is, when a woman experiences violent and criminal acts at the hands of their husbands, in-laws, fathers, brothers or other family members. These include, verbal abuse, physical abuse, and inflicting various forms of mistreatment.

Sati

Sati is a practice, when the widows were placed in the funeral pyres of their husbands. This practice was abolished by the social reformer Raja Ram Mohan Roy. It continues to prevail in the post-colonial India. The Sati Prevention Act was passed which declared the practice of Sati as a crime for

which death penalty can also be given to the perpetrators.

Child Marriage

Child marriage is when the marriage of girls takes place, when they are below 18 years of age and when boys are below 21 years of age. Child marriage is regarded as a practice that deprives the girls of their childhood. They experience problems in the acquisition of education, getting enrolled in school, taking pleasure in other childhood activities and in enhancing their skills and abilities. It also effects the social, psychological and emotional development of the child in a negative way.

Preference for a Male Child

The individuals, who belong to rural communities and socio-economically backward sections of the society, normally give preference to the male child. They regard males to be the assets of the family and possess the viewpoint that they will contribute in generating welfare and enhancing reputation of their families. The preference for the male child is a phenomenon, which is historically rooted in the patriarchal system of the Indian society.

Female Foeticide and Female Infanticide

Female foeticide is referred to the killing of the girl child, before she is born and female infanticide is killing of the girl child, after she is born. These practices, deny the basic right from the girl child, i.e. the right to live. There have been communities of individuals, who have a strong preference for the male children.

Education

Education is regarded as one of the most imperative aspects that would lead to empowerment of women. The right to education under Article 21 of the Indian Constitution have made it obligatory for the government to provide free education to all the individuals. In rural areas, the retention rate of girls in schools is lower as compared to males and there are number of reasons that lead to drop-out of girls, as they move to higher classes.

Forced Evictions and Exclusions

In India, widows are evicted from their marital homes and they are meant to look after their needs and requirements on their own, after the death of their husbands. Their children to get evicted along with them. Women headed households and women in general are less secure as compared to men. When a woman loses her spouse, there are various types of detrimental consequences that they are supposed to go through.

Sexual Harassment at the Workplace

The occurrence of sexual harassment at the workplace is considered as the most detrimental problem that impose barriers within the course of their progression. In India, women are discriminated against in terms of pay and remuneration for their jobs. This is

a fact for both urban and rural areas, they are mistreated in concerns of promotion and advancement within the employment setting.

Rape

In India, there has been a significant increase in the numbers of rape cases in the past 10 years. Rape normally takes place out of animosity, enmity, resentment or any other reason. According to the National Crime Records Bureau, in 2012, 25000 rape cases were reported. In India, within the rural areas, particularly in Northern India, the upper caste people use mass rapes as a strategy to exercise power over the members of the lower caste groups.

Societal Violence against Women

The communities and the societies in India in most of the places are bound up with the patriarchal normative structure. In these types of societies, it becomes difficult for women to establish their position and obtain justice. The religious communities, village communities or the artificial communities like professional bodies are barely epitome of equality between men and women.

FUNDAMENTAL RIGHTS TO UPLIFT THE STATUS OF WOMEN

The Articles under Part III of the constitution of India, relating to the Fundamental Rights which try to improve the status of women and provide equal opportunities for them are stated as follows:

Article 14 - All individuals, including women are equal in the eyes of the law and they are also entitled to enjoy equal protection of laws within the territorial jurisdiction of India.

Article 15- prohibition against discrimination

Article 16 - All citizens including, women will enjoy equality of opportunity in matters of public employment, irrespective of their gender, races, castes, ethnicity, religions and socio-economic backgrounds.

Article 17 - The System of untouchability is eliminated and Untouchability (offence) Act of 1955 was enacted by the parliament.

Article 19- Every citizen including women have the right to freedom of speech and expression, to assemble peacefully and without arms, to form unions or associations, to move freely throughout the country, to reside or settle down in any part of the country and to practise any profession or to carry on any lawful trade or business in accordance to one's own aspirations.

Article 21- No person shall be deprived of life or personal liberty, except according to the procedure established by law.

Article 21A- The State shall provide free and compulsory education to all children, who are between the ages of six to fourteen years in a manner, as the state may determine by law.

Article 20 -No person including women shall be convicted of any offence except for violation of a law and any person shall not be prosecuted and punished for the same offence more than once.

Article 23- Prohibits the traffic in human beings and forced labour.

Article 24 - Employment of children, below the age of fourteen years in factory or mine or engaged in any other hazardous employment is prohibited.

Article 25- All persons including women are equally entitled to freedom of conscience and the right of freedom to profess, practice, and propagate religion.

LEGAL FRAMEWORK FOR WOMEN AND WORK

Women in India represent over 32 percent of the economically active population of the second most populated country in the world. The Indian constitution guarantees equality for women before the law, and institutional support for women seems advanced, with many laws to protect the right of women at work. The labour laws in India, can be industry specific, region specific or centralized. The Acts have been stated as follows: (India: The Legal Framework for Women and Work, 2012).

- ❖ Equal Remuneration Act, 1976
- ❖ National Commission for Women Act, 1990 (Act of Parliament)
- ❖ Constitutional (74th Amendment) Act, 1992
- ❖ The Protection against Sexual Harassment of Women at the Workplace Bill, 2010
- ❖ Maternity Benefits Act, 1961
- ❖ Factories Act, 1948
- ❖ Beedi and Cigar Workers (Conditions of Employment) Act, 1966
- ❖ The Plantation Labour Act, 1951
- ❖ Employee's State Insurance (General) Regulation, 1950
- ❖ The Contract Labour (Regulation & Abolition) Act, 1970
- ❖ Prohibition of Child Marriage Act, 2006

HUMAN RIGHTS

Human rights are generally understood as being those rights that are intrinsic to all human beings. The concept of human rights acknowledges that each individual is entitled to exercise his or her rights without any forms of discrimination regarding areas such as, caste, creed, race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth, background and status. Human rights are lawfully guaranteed by the national constitutions and laws, regional and international treaties and documents. They safeguard the individuals and groups against activities that impede within the course of their fundamental freedom and human dignity (Women's health and human rights, 2007).

Human rights provide a beneficial, lawful and normative framework, vocabulary and form of direction for public health actions, while improving the accountability of governments. Human rights and public health have the common objective of encouraging and safeguarding the welfare of all individuals. Human rights must be promoted and protected to report the fundamental elements of health, including the empowerment of individuals and communities to respond to health challenges and ensuring justifiable, and operative delivery of services (Women's health and human rights, 2007).

HUMAN RIGHTS TREATIES

Approval of the Universal Declaration of Human Rights in 1948 was the first step towards liberal and advanced codification of international human rights. The principles of the Universal Declaration were translated into treaties, thus States that ratified them are legally bound by the terms and conditions of the treaties. Eight international human right treaties have been adopted up to 2007: (Women's health and human rights, 2007).

- ❖ International Convention on the Elimination of All Forms of Racial Discrimination (1965).
- ❖ International Covenant on Economic, Social and Cultural Rights (1966).
- ❖ International Covenant on Civil and Political Rights (1966).
- ❖ International Convention on the Elimination of All Forms of Discrimination against Women (1979).
- ❖ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).
- ❖ Convention on the Rights of the Child (1989).
- ❖ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2002).
- ❖ Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (2006).

BARRIERS WITHIN THE COURSE OF EXERCISING RIGHTS

Barriers that take place within the course of exercising rights have been stated as follows:

- ❖ Poverty
- ❖ Illiteracy
- ❖ Unemployment
- ❖ Crime and Violence
- ❖ Acquisition of Education

CONCLUSION

The main purpose of this research paper is to acquire understanding of human rights of women. The main reason, that the rights of women have been undermined is due to the existence of the patriarchal society. In the male dominant society, preference was given to the male children, there were practices of female foeticide and female infanticide. Females were considered as liabilities, which would lead to expenditure, whereas males were regarded to be the assets, which would generate wealth for their families. The decision making and other powers and authorities were vested in the hands of males. The responsibilities of the females were limited to performing of the household chores, child development and looking after the family members. In the present existence, with the impact of modernization and use of innovative methods, the rights of women have been acknowledged. Girls and women from all categories and backgrounds are being enrolled in educational institutions. Women are emerging professionals such as, doctors, lawyers, teachers, educationists, managers, administrators and so forth. The girls, who belong to minority communities are getting enrolled in educational institutions, so that they learn to exercise their rights for the well-being of their parents as well as the community. Education enables a person to differentiate between appropriate and inappropriate, learn to make wise decisions, work towards the welfare of the community and exercise rights in an efficient manner.

REFERENCES

1. Anonuevo, C.M. (Ed.). (1995). *Women, Education and Empowerment: Pathways towards Autonomy*. Retrieved October 02, 2017.
2. Klaveren, M.V., Tijdens, K., Hughie-Williams, M., & Martin, N.R. (2010). *An Overview of Women's Work and Employment in India. Decisions for Life MDG3 ProjectCountry Report No. 13. University of Amsterdam*. Retrieved October 02, 2017.
3. Saryal, S. (2014). *Women's Rights in India: Problems and Prospects. International Research Journal of Social Sciences, 3(7), 49-53*. Retrieved October 02, 2017.
4. Thukral, E.G., & Ali, B. (n.d.). *Child Marriage in India: Achievements, Gaps and Challenges*. Retrieved October 02, 2017.
5. *Women's Rights are Human Rights*. (2014). *United Nations*. Retrieved October 02, 2017.
6. *Women's health and human rights: Monitoring the implementation of CEDAW*. (2007).
7. *World Health Organization*. Retrieved October 02, 2017.