

## **Violation of Women's Rights in India: Problems and Remedies**

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### **Abstract**

*Millions of women throughout the world live in abject deprivation of their basic human rights for no other reason than that they are women. Lack of education, access to health care, housing and sanitation, equal wage and opportunity to work, are some of the basic rights of every individual and women are deprived of their rights. Infact the discriminatory attitude towards woman starts from the womb itself where she gets killed being a female. This increase in violence against women itself hindering the social, economical , political and cultural progress in the country. Indian constitution not only grants equality to women, but also empowers the state to adopt measures in favour of women. Presently many laws are in favour of women but the problem is that women are not aware of their rights and the goal of gender equality is far from being realized in a country like India. The present paper explores the question about women's right in India. It attempts to grapple with few challenges faced by women in India like dowry, female foeticide, domestic violence, early marriage, sale and trafficking of girls etc. and to find remedies so that women can be empowered.*

**Keywords:** *Deprivation, Gender equality, Domestic violence, Women's Rights and Fundamental Rights.*

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## **Introduction**

Millions of women throughout the world live in deprivation of their basic human rights for no other reason than that they are women. Lack of education, access to health care, housing and sanitation, equal wage and opportunity to work, are some of the basic rights of every individual and women are deprived of their rights. Infact the discriminatory attitude towards woman starts from the womb itself where she gets killed being a female. Many challenges are faced by women in India like dowry, female foeticide, domestic violence, early marriage, sale and trafficking of girls etc. The increase in violence against women itself hindering the social, economical , political and cultural progress in the country. Indian constitution not only grants equality to women, but also empowers the state to adopt measures in favour of women. Presently many laws are in favour of women but the problem is that women are not aware of their rights and the goal of gender equality is far from being realized in a country like India.

## **Status of Women in Ancient Time**

During rig Vedic period Indian Women enjoyed high status in the society. Their condition was good. They were provided opportunity to attain high intellectual and spiritual standard .There were many women Rishis during this period .The richer section of the society was indulged in polygamy. Though monogamy was mostly common in lower section of the society. There was no sati system or early marriage. Discrimination against women started since the later Vedic period in education, other rights and facilities. Child marriage, widow burning , the purdah and polygamy further worsened the women's position. The epics & Puranas equated women with property. Even Buddhism did little for women. Though the Maurya Kings often employed female body guards spies and 'stri-adhyaksha mahamatras, their status was still quite bad .

Upper caste ladies had to accept purdah. During this period men were polygamous and widow burning was an accepted norm. Arthashastra imposed mare stigmas on women as Kautilya dismissed women liberation and they were not free even to go elsewhere without husband's permission.

They became worse off in Gupta's Period .The smritishastars abused them, Manu dictated, a women would be dependent on her father in childhood: on her husband in youth and on her son in old age .Apart from child marriage and sati, Prostitution and devadasi system became widespread.

## **Status of Women in Modern Time**

Women from the aristocratic classes enjoyed education and other privileges

but the common women still suffered ignominy, deprivation and hurdles. The status of women is not really promising in the modern times also. The bourgeoisie democratic revolutions of 17<sup>th</sup> and 18<sup>th</sup> centuries excluded women from their concept of equality. This distinction was based on gender **since** then women as a commune had waged a struggle for recognition of their rights as a human being .A woman plays multiple role in the society i.e.a bread winner of her family ,a caretaker of her family, as a mother, wife, daughter and a service provider to the society. Despite of their equal contribution to the country's development to that of their male counterpart still they experience a number of limitations that restrain them from comprehending their potential for expansion. Therefore ,governments all over the world felt the need to prioritize the interest of women and their participation at every stage of the development process .The millennium development goal are the eight goals set by the united nation in 2000 Which will act as yardstick to determine the advancement in the direction of the obliteration of global poverty .UN stated that Gender Equality and women's empowerment as one of the Millennium Development Goals to be attained by the year 2015.However these goals are far from being realized in a country like India.

### **Violation of Women's rights**

#### **Dowry Deaths :**

In India the unusual dowry deaths of the women at their matrimonial home has been increasing at a startling rate. Dowry disputes are quite serious problem. The national crime records bureau in India in his report has disclosed that in 2012 around 8233 newly wedded brides were killed for dowry. The role of husband's reaction to dowry brought at the time of marriage on subsequent experience of marital violence .The substantially reduced risk of experiencing physical and sexual violence among women whose husbands were satisfied with the dowry reflects the strong influence of dowry in determining women's position within the household .In spite of the fact that section 498A of the Indian Penal Code strongly deals with the person responsible for marital cruelty and has declared taking and giving of dowry as a crime it is still seen widely practiced in India. In fact The 'Dowry Prohibition Act' has not been adequately put into operation in India .It has been dissolved that mostly a number of states neither have a Dowry Prohibition Officer nor do they made it obligatory to keep the record of things given and received.

#### **Domestic Violence:**

In spite of the fact that in India, we have 'Protection of Women from Domestic violence Act 2005, domestic violence still remains a serious problem. In fact major

violence against women belongs to the domain of domesticity. Patriarchal nature of our society is the problem of alcoholics of husband or desire for endowments or a male child are some of the other factors responsible for the brutalities in the household in India. Women are suffering from psychological and physical abuse like slapping, hitting, public humiliation etc. In India the dowry prohibition act and the protection of women from domestic violence act and the cruelty under section 498A of the Indian Penal Code in 1983 declares brutality to a woman in her conjugal house a punishable and non-bailable offence that can lead to a sentence of up to three years and fine.

#### **Child Marriage :**

There is a law in India which bars the marriages of children at small age, but it is still being practiced in different parts of India. Child marriage act 2006 prohibits child marriage and declares 18 years and 21 years as the marriageable age for the girls and boys. According to the National population Policy, over 50% of the girls marry below the age of 18 resulting in a typical reproductive pattern of 'too early, too frequent, too many', resulting in a high IMR. Violence by husbands especially sexual violence perpetrated by husbands has severe effects on the innocent mind and body of the child.

#### **Preference for son:**

Preference for a son is historically rooted in the patriarchal system of the Indian society. It is said that after marriage a girl will leave her parental house and will go to live with her in-laws, whereas a boy will bring his wife to his house. Indians think that their sons and daughter-in-laws will look after them during their old age. But now with the increasing trend of nuclear families and because of occupation of sons at far off places the people are left alone during their old age. But still Indian desire for sons as a son seems to them a financial support and a son has religious importance also regarding death rites. The desires for a son often have an adverse effect on the health of the mother also. All these issues gradually led to the neglect of female child who are often related to the background even in the present day Indian Society.

#### **Female Foeticide :**

The low status of women goes on with the practice of infanticide, foeticide, sex-selective abortion which has become common due to the amniocentesis technology, and mal-nourishment among girl children. In India it is estimated that around 10 million females have been aborted in last 20 years. In spite of the fact that the Government of India have declared pre birth sex determination through the use

of amniocentesis as unlawful. Still illicit termination of female foetuses by untrained nurses and staff is widely prevalent particularly in northern states of India like Haryana, Rajasthan and Punjab. All these have resulted in the escalation of maternal mortality rate.

#### **Forced Evictions and Exclusion :**

In India often the widows are evicted from their matrimonial home and are left alone to feed themselves and their children following the demise of their spouses. In almost all countries, whether developed or developing, legal security for women is almost entirely dependent on men, they are associated with women headed households and women in general are far less than men. Very few women own land. A separated or divorced woman with no land and a family to care for often ends up in a urban slum. There is increasing clinching evidence that, in poor households, women spend more on basic family needs, while men spend a significant part on personal goods, such as alcohol, tobacco etc.

#### **Social Violence against women:**

The countries and societies in India in most of the places are bound up with patriarchal normative universe from which women could hardly get true justice. The religious communities, village communities or the artificial communities like professional bodies are hardly epitome of equality between men and women. Quite often the religious communities have made the life of the women worse by forcing them to adopt conservative practices that are harmful to women

#### **Sexual Violence:**

Sexual violence is a serious public health & human rights problem with both short and long term consequences on women's physical, mental & sexual's reproductive health. Whether sexual violence occurs in the context of an intimate partnership, within the larger family or community structure, or during times of conflict, it is a deeply violating and painful experience for the survivor. The sexual and gender-based violence perpetrated against women in conflict & humanitarian settings is increasing.

#### **Legal Provisions for Women:**

- **Factories Act 1948:** Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women except between 6 A.M. and 7 P.M.
- **Maternity Benefit Act 1961:** A Woman is entitled 12 weeks maternity leave with full wages.

- ***The Dowry Prohibition Act, 1961:*** Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.
- ***The Equal Remuneration Act of 1976:*** This act provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.
- ***The Child Marriage Restrain Act of 1976:*** This act raises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.
- ***Indian Penal Code:*** Section 354 and 509 safeguards the interests of women.
- ***The Medical Termination of Pregnancy Act of 1971:*** The Act safeguards women from unnecessary and compulsory abortions.
- Amendments to Criminal Law 1983, which provides for a punishment of 7 years in ordinary cases
- ***73rd and 74th Constitutional Amendment Act*** reserved 1/3rd seats in Panchayat and Urban Local Bodies for women.
- ***The National Commission for Women Act, 1990:*** The Commission was set up in January, 1992 to review the Constitutional and legal safeguards for women.
- ***The Protection of Human Rights Act, 1993:***
- ***Protection of Women from Domestic Violence Act, 2005:*** This Act protects women from any act/conduct/omission/commission that harms, injures or potential to harm is to be considered as domestic violence. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse.<sup>7</sup>.
- ***Protection of Women against Sexual Harassment at Workplace Bill, 2010:***

### **Conclusion**

Only legislation and law enforcement agencies cannot prevent the incident of crime against women. There is need of change of attitude of society towards women, mental awakening of masses, so that due respect and equal status is given to women. It's a time when the women need to be given her due status in the society. This awakening can be brought by education campaign among youth making them aware of existing social evils and the means to eradicate same. Mass media can play a major role in the present context as it has reached every nook and corner

of the country and media has a great influence on the minds of people. Various NGOs can also play a responsible position by performing the task of highlighting socio-economic causes leading to such Violence .

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