

Human Rights in India with Special Reference to Women: An Observation

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Abstract: The question of human right in India is complex, despite its position as the world's biggest sovereign, secular, democratic republic, by the enormous population, broad poverty, lack of good education, and its diverse culture. The Indian Constitution stipulates fundamental liberties, including religious freedom. Clauses further provide freedom of expression and separation of executive and judicial authorities, and freedom of movement inside and outside the country. The country also has an independent judiciary and human rights agencies. The formation of the Treaty System of the United Nations was a key step towards protecting and enforcing women's rights. The system is designed to ratify the treaties, the so-called state parties, to monitor human rights standards. Nevertheless, the system has significant obstacles which have affected its effectiveness in protecting and enforcing women's rights. In this paper, the barriers to the system's successful operation are explained. Therefore, the system is not operating in the manner meant to defend female rights against three particular problems: domestic violence, sex trafficking and reproductive rights. In a case study in India, the thesis explores whether the system works in India to defend women's rights. The thesis aims to discover the chances of improving the functioning of the United Nations Treaty system to safeguard and promote the rights of women effectively.

Keywords: Human rights, Law, Women, Development, Challenges.

Introduction:

Human rights are moral standards that are regularly protected by local or international legislation and particular human behaviour standards. They are usually considered to be inalienable, fundamental rights, whereby "a person's inherent right is solely to be human," regardless of age, ethnicity or place, language, religion, ethnic group, or any other status. or "inherent in all human beings." It is applicable everywhere and at all times in the sense that it is universal, and it is equal in the sense that it is the same for everyone. They are thought to require empathy and the rule of law, to impose an obligation upon individuals to respect other people's human rights, and are typically considered not to be removed until due process is established based upon special circumstances [2].

Human rights in India are complex, despite its position as the world's biggest sovereign, secular, democratic republic, by the enormous population, broad poverty, lack of good education, and its diverse culture. The Indian Constitution stipulates fundamental liberties, including religious freedom. Clauses further provide freedom of expression and separation of executive and judicial authorities and freedom of movement inside and outside the country. The country also has an independent judiciary and human rights agencies.

The 2016 Human Rights Watch study admits the above amenities but states that India has "severe concerns about human rights. Groups in civil society experience harassment, and critics of government face bullying and proceedings. Both the state and interest groups attacked free speech. Muslim and Christian minority has been accused of failing to protect their rights by the state. The government must abolish legislation to offer immunity from prosecution for abuse for civil servants and security services."

"Women and children's human rights form a part of universal human rights which is inalienable, integral and indivisible. The international community's key objectives are the full and equal involvement of women in political, civic, economic, social and cultural life, at national, regional and worldwide levels and the elimination of any kind of discrimination based on sex. Gender-based violence and all forms of sexual harassment and exploitation, including cultural and trafficking prejudices. King is incompatible with and needs to be eradicated with the dignity and dignity of the human person. This can be done by legal actions and national and international cooperation in economic and social development, education, safe maternity and health care, and social assistance. Women's human rights should become an important part of human rights activities of the United Nations, including the promotion of all human rights tools for women. The World Conference invites governments, institutions, Intergovernmental and NGOs to step up the efforts to preserve and promote women's and girl's human rights."

Women's standing has always been a measure of society's advancement. A Vedas and other post-Vedic writings study reveal that women were always handled with a male in a very high position in their time. It has accurately been noticed that "God dwelled in the respect of women" in a high pedestal by society. The society

was preached and taught by Brahmavadini. Several examples suggest that different Vedic Scriptures have been produced by women in Rig Veda and other Vedas. Sages, Vedic and posting Vedic literature have sufficient proof to establish that there is no danger of criminal assaults or abuses for women to move about society. Rowan and Bali in the Ramayana have been sanctioned for their abusive conduct and Sri Ram's impertinence. The higher position possessed by women cannot be maintained with the arrival of the foreign invasion and many limitations on the women's mobility were placed.

On 10 December 1948 the United Nations enacted the Universal Declaration of Human Rights, stating that everyone is free to be born and equal in dignity. The Indian Constitution ensures to all its inhabitants, regardless of gender, several rights, such as Article 14's right to equal rights, Article 21's right to life, and personal freedom. Gender equality is a society where men and women are equated in different sectors of life with the same opportunities, rights and obligations. Equal decision-making, freedom of the economy and of society, equality of access to education and the right to choose. We need to empower women and concentrate on areas most important for their wellbeing in order to promote gender equality [1]. Women's economic, social and political empowerment is crucial for any nation's prosperity and the protection and promotion of human rights.

Caste related issues:

But the influence of the caste has declined in contemporary India. This is largely because education is spreading to all castes, with a democratic effect on the political structure. This 'equalisation' of the field was not, however, controversial. A particularly difficult subject was the Mandal Commission and its quotas system. Professor Dipankar Gupta discussed the influence of castes in India's elections.

More lately, caste politics have flowed, mainly as a result of economic liberalisation in India. This increase in lower castes' empowerment was accompanied by a spike in the level of corruption in some locations. This is largely because of the lower caste perception that developments and the rule of law are instruments utilised to subdue the lower caste's lower castes.

Amnesty International has said "The Indian government has a responsibility to effectively implement and administer its legal provisions against caste and lineage discrimination.

Even though in 1952 the Government repealed the 1871 Criminal Tribes Act, which was replaced by the Habitual Offenders Act (HOA) (1952), which actually only established a new list out of the ancient list of so-called 'homosexual tribes' of India, along with many nomadic tribes collectively living at 60 million population "criminal tribes". Even today, these tribes confront the consequences of the PASA, which merely add to their daily fight for their livelihood, as most of them live below the poverty line. The National Commission on Human Rights and the United Nation Anti-Discrimination Commission (CERD) have requested the government to abrogate this law too, since those former "criminalised" tribes continue to be subject to oppression and widespread social ostracism and many have been denied SC, ST or OBC status, denying them access to economic boosting reservations.

Freedom of expression:

According to Reporters Without Borders estimations, India ranks 122nd internationally in 2010 on the Press Freedom Index (down from 105th in 2009). The Index for press freedom in 2010, which ranges from 0 (most free) to 105, was 38.75 in India (29.33 for 2009). (least free). India was placed 140th worldwide in 2014 (40.34 out of 105) but remains one of the region's highest scores.

The Indian Constitution guarantees for 'the right to freedom of speech and expression' without using the word 'press' (Article 19(1)(a). This right shall be subject however to the restriction of subparagraph (2), which provides that for reasons of "India's sovereignty and integrity, State security, friendly relationships with other countries, public order, decency preservation, morals of disregard, defamation or offence" it may be limited. Laws like the POTA have been used to curb media freedom. Official Secrets Act and Prevention of Terrorism Act (POTA). According to POTA, a person could be held for up to six months prior to the police having to file charges for allegations of acts relating to terrorism. In 2004, the POTA was abolished but the UAPA modifications were substituted. After the freedom of information 2005, the Official Secret Act 1923 is abolished

The control of state media was the greatest restraint to press freedom for the first half century of independence. In 1975 the famous Indira Gandhi claimed that "All India Radio is a government body, a government body, it will..."

The liberalisation of the media began in the 1990's and led to increased independence and government monitoring. Privacy control of the media has increased.

The resignation of strong Haryana minister Venod Sharma was highly influential by groups like Tehelka and NDTV. Moreover, measures such as Prasar Bharati's Act adopted in recent years have made an important contribution to diminishing government control of the press.

LGBT rights:

Homosexuality was considered to be criminal in accordance with the ambiguous interpretation of Section 377 of the 150-year old Indians Penal Code (IPC), a law passed by the British Colonial Authorities, until the High Court of Delhi decriminalised consensual private sexual acts between consenting adults on 2 July 2009. This law has been implemented relatively seldom, though. In its decision on the decriminalisation of homosexuality, the High Court of Delhi pointed out that there existing laws that contradict the fundamental rights enshrined in the constitution of India.

A judgement by the Supreme Court once more criminalised homosexuality on 11 December 2013.

A constitutional five-judge bench from the Supreme Court of India decriminalised homosexuality in its landmark verdict on 6 September 2018.

Women in India's Constitutional Rights:

Fundamental right of equality before the law of India - Article 14 Prohibition of discrimination for religion, race, caste, gender or place of birth. The right of equality before the law Article 15(3) nonetheless authorises a State to make any specific provisions for women and children - Article 15 The equality of opportunity for public work or for any office in the state forbids discrimination on the basis of sex – Article 16, Article 15(3)

Freedom of expression, freedom of speech and freedom to exercise any profession, profession or business - Article 19

Life and freedom protection – Article 21 Article 21

Privacy rights Article 21 Article 21

Property right- Article 300-A

Political rights - women's reservation in panchayats, for example. Article 15 of the Constitution provides for special provisions for the welfare of women and children.

Women and children are entitled to free legal support under the Legal Services Authorities Act.

According to the Constitution of India, the Directive's Principles of State Politics contain the state's duty to adopt these principles while drafting legislation. These principles declare that state shall direct its policies to ensure that those citizens, men and women, have the right to appropriate living conditions, equal pay for men and women, free and obligatory childhood education, and an obligation to improve public health. These principles state where such rights, that is to say, the victim can seek legal remedy by the judiciary in the case of a violation of fundamental rights, the principles of the Directive are a guiding factor, and its non-observance cannot be tried before the court of law.

Dimensions of Women Rights:

We conclude that there continues to be significant prejudice against women, despite the Universal Declaration of Human Rights which outlaws gender discrimination. This discrimination against women is incompatible with the dignity of men and women and with the wellbeing of family and society, preventing their capacity to benefit their country and society from developing. Denying women equal rights to males does not just damage women but is also a crime against humanity because it affects the country and society, the cause of peace, and the planet's wellbeing. It does not only damage women. It is their entitlement to equal treatment with males that is essential to women's rights. It means that women do not have customs and prejudices that are lower than men [3]. The same rights to manage and enjoy property are included. The right to be elected and employed, whatever your marital status, is also included. This right to equality applies to the economic and cultural life of society. The clarification of this right encompasses simply the right to marry with free and informed consent and the equal rights of people dissolving marriage, the right to equal pay for equal work and equality in public sector appointments. Since equality between inequalities cannot be established, this equality is not simply mathematical equality or inert equality but also involves developing circumstances and particular regulations, which may really ensure equal opportunities.

Equal treatment alone cannot enable women to work freely without fear, unless there is sufficient security and gender-based violence. In the family and community, violence against women is all prevalent and crosses income, class and culture. The UN Declaration on Violence against Women defines "violence against women" as any act of gender-based violence which causes, or is likely to cause, physical harm to women or to women, including menace to such acts, coercion or arbitrary deprivation of freedom, whether in public or in private life. Violence against women includes, but is not limited to, the following physical, sexual and psychological violence in the family, including battery, sexual abuse of female children in the home, dowry-related violence, marital rape, female genital maiming and other traditional practises harmful to women;

This pervasive violence restricts women's chances of achieving legal, social, political and economic equality in society. Violence against women constitutes a violation of and impairs or nullifies the rights and fundamental freedoms of women. It represents a historically unequal relationship of power between men and women, which has resulted not only in domination and discrimination against women but also in preventing women from developing and advancing in full, it is also one of the main social mechanisms through which

women are subordinate in relation to men [5]. Certain groups of women are more vulnerable to this violence, for instance, women belonging to minority groups and indigenous women, refugee women, women in rural areas, poor women, and women's children and elderly.

Women rights as human rights:

In Vienna in 1993, at the United Nations World Conference on Human Rights, the slogan 'Women's Rights are Human Rights' was first applied. While it may at first seem that "human rights are the rights of women and women's rights are human rights," or at the best of truism, a closer and more careful review of the underlying seriousness of this slogan shows. Firstly, it means that women as a class have been denied basic human rights and subjected to the worst forms of intolerance, discrimination and exploitation for hundreds of years. On the other hand, the exponent does not wish to promote and uphold rights which are open to women only, such as equality with men, human rights, sexual and reproductive rights, the freedom from gender violence and opportunities to access safe and high-quality education, without any real promotion of human rights. It does not allow for this. In short, the worldwide republic cannot disregard women's rights while also supporting human rights. Women's rights can be accessed as part and parcel of humanity in conjunction with gender-specific rights because they are women.

Moreover, we cannot deny that human rights are not only a bundle of rights that a person has, because they are human, inalienable. Human Rights, the underpinning principle of democracy, are necessary and intrinsic to humanism. This is such an essential topic that it needs more development. Ultimately every political system is based on a philosophy, which is vital if that political organisation is to survive and expand. If the prevailing philosophy of monarchy was monotheistic religion, if polytheistic nature adored the early phases of socialism and enslavement, if socialism was Marxist, then humanism is democratic. Humanism is democracy. There can be no democracy without seeing human welfare as the ultimate purpose of the government, and a human person as the ultimate aim. A fundamental respect for the person and a deep conviction in equal opportunities are so crucial to democracy that they generally make the basic structure the most fundamental. We can conclude that none of us can dominate them except by their own permission only if we deem all human beings equal. In the end, the strength of democracy in a nation rests on how profoundly democratic values in its citizens are. Democratic principles are usually a belief in human equality and equal rights. Countries that historically failed to instil in people respect for human rights have offered the dark forces of authoritarianism and anarchy the lives and freedoms of their citizens. This is a continuous process. Never remain unchanging social processes, stagnation equals decadence. Curtly, there are just two alternatives for a country. Be it to become more democratic or tyrannical. The government that refuses to give all sections of society human rights will surely deteriorate from democracy itself. The fact that people do not renounce human rights and that democracy is not extended to those most in need certainly thwarts and impedes the advancement of democracy and progress. History revealed that democracy was a type of administration that was extremely favourable to economic, scientific and cultural advancement. Compromising rights of women compromises democracy and jeopardises democratic progress [6].

This underlying oneness of women's rights and human rights has been underlined and endorsed by diverse international conventions, declarations and regulations. It is worth mentioning a couple. In 1993 it was successfully held at the WHC in Vienna to integrate the rights of women through recognition of rape and sexual slavery as human rights concerns and all types of sexual harassment and exploitation. The Rome Statute Explanatory Memorandum which establishes the jurisdiction of the International Criminal Tribunal recognises rape, sexual slavery, enforced prostitution and forced pregnancy as a crime against humanity. The Vienna declaration and the action programme also condemn the "violation of the fundamental principles of international human rights and humanitarian law" of systematic rape as well as murder, sexual slavery and forced pregnancy.

Mapping of violations of women's rights in India:

A multitude of fields of abuse of women's rights in India is discussed here.

- Girls missing: Prof. Amartya Sen initially used the term "missing women" when he found that the proportion of women in many emerging countries compared to men is suspiciously small. One of the key reasons why women and girls are missing is the imbalanced sex relationship in many countries in India. Girls from poor families in India are sold to men by brokers in northern India, particularly where the problem of a sexual imbalance is quite obvious. Besides them, ladies from their marital homes are missing [7].
- Dowry fatalities: the uncommon dowry deaths of women in India have increased at an alarming rate. There is a serious problem with fuss disagreements. In its study, the Indian National Crime Records Office reported that over 8233 newly married brides were killed for dowry in 2012. "The part played by the husband's reaction to the dowry brought in later marital violence throughout marriage. The far less likelihood that women whose husbands were content with their dowry will experience physical and sexual assault demonstrates the powerful influence of dowry in the identification of the place of

women in the family. " 3. While the Indian Penal Law Section 498A strongly addresses the person responsible for marital cruelty and declares that it is still common in India to take and give dowry as a crime. The Dowry Ban Act has not been properly implemented in India. Most of the countries have been found to have neither a Dowry ban officer nor to preserve records of things they have given and received.

- Domestic Violence: Although we have 'The Domestic Violence Act 2005' in India, domestic violence remains a severe problem. The fact that a woman is exposed to a large degree of violence in India is connected with the area of domesticity. The grounds for domestic aggressiveness are mainly based on Indian society's patriarchy, which encourages domestic violence [8]. In addition, some of the other elements which might lead to household brutalities in India include the problem of husband alcoholics or the desire for endowment or a man kid. Domestic violence took the shape of physical and psychological abuse of women, such as kicking, striking, public humiliation, etc. The Dowry Prohibitions Act in India and the Women Protection against Domestic Violence Act in 1983/4 declare a woman in her house brutality punishable and non-restitutional offences that can lead to a sentence up to three years and fine. In India, a punishable and unrestricted violation is a violation of Indian penal law [4].
- Child marriage: although there is a legislation in India that prohibits primitive child weddings, it is still practised in some places of India. Child marriages: Child Marriage Act 2006 outlaws the marriage of children and declares the married age of girls and boys 18 years and 21 years. "More than 50 percent of girls are under the age of 18, which leads to the typic 'too early, too often, too much' reproductive pattern which leads to a high IMR," according to the National Population Policy. The innocence of the formative years needed for physical, emotional and psychological growth is removed from a child marriage. In particular sexual acts by husbands, spousal violence has serious consequences for the child's innocent mind and body. Even today in India, on an auspicious day in Rajasthan Akas Teej, many children get married.
- Sexual harassment in the workplace: In 1997 Supreme Court Vishaka recommendations launched the push for a discourse on the sexual harassment of women at their employment in India. The adoption of the 'Sexual Harassment of Women on Workplace' Propose 2013 helped translate these guidelines into specific rules. However, it was the adoption of this guideline. Even now, though, "the subject of sexual harassment in India is essentially undermined. Due to social tabuism that still involves sexual harassment, the provisions have never been successful." In India, the pay of the salary for their jobs is discriminated against by women. For both urban and rural locations, this is true. Women entrepreneurs often face more problems in obtaining loans to establish an independent business.

The Constitution of India protects women's rights:

Women have particular privileges under India's Constitution. The creators of the constitution were well aware of women's subordinate and backward status in society. In our society, they have taken some measures to raise women. According to Article 42 of the constitution, the state is intended to offer women workers with maternity assistance, whilst in Article 51-A, every Indian citizen has a fundamental duty to abandon activities that respect the dignity of women. For the proper application of Article 51-A, Indian Parliament adopted the Protection of Human Rights Act of 1993. Over the years, the Indian Parliament has taken important measures to empower women in India through law. Among these, it is the Equal Remuneration Act, the Immoral Traffic Prevention Act, the Sati Act on Prevention, the Dowry Prohibition Act etc. that are notable. In addition, 33% reserve for women was allowed for in the 73rd and 74th constitution (amendment acts) both at Pachayat and Nagarpalika institutions and in chairs of these institutions. These two modifications removed the loopholes from the local women's empowerment path. In fact it is discovered that, following Kerala and Manipur, the Karnataka sends greatest numbers of female persons to the PRIs. The measure for reserving women's seats in national and state parliamentary elections to 33% was introduced in parliament in order to enhance equality of participation of women at national and state levels. Furthermore, in India, the government passed a number of laws to ensure women's rights, such as the Dowry Prohibition Act, the Sati Prevention Act etc.

In addition, in India the National Women's Commission was created in 1990 to examine the issue of women. NCW has engaged them in dealing with women's rights violations. The government was pressured to adopt stronger legislation to deal with rape cases, domestic abuse, establish a separate criminal code for women, etc.

Empowerment of Women in India:

Women have been placed at a reception place mainly because their basic civil and constitutional rights have been ignored. Every area of a woman's life is affected by the patriarchal society. In such a setting, many of them are obliged to adopt the conventional traditions that are harmful to their development and the development of their children. While women are financially and politically autonomous and aware of their rights, they

nevertheless experience impunity in making fundamental changes in order to eliminate gender inequities in society.

The National Women's Committee has embraced women's rights and vociferously requested a separate criminal code for women and increased punishment for women's crimes. The plan to establish a distinct penal code for women was aimed to give the offended ladies swift justice and accelerate the conviction rate. This initiative, however, was not supported and shelved by the administration.

To analyse the basic causes of violence against women, a multi-layered strategy needs to be established. The state and society must offer victims' survivors with instant support so that victims can continue to live their everyday lives. It is necessary to build innovative coordination and integration between government, civic society and the family in order to cope with the problem of violence against women. In adopting good policies to end prejudice against women the state takes a central position. In India, it was the first step to reform when the Hindu Succession Act was revised in 1956, which granted the same rights to women as heritage, following much discussion. The formal establishment of the state such as the legal systems, police, healthcare, and so on and informal networks such as the families, friends, fellow citizens, and local community groups, must provide continuous, unconditional financial and emotional support to women. Only through teaching women who assist them attain economic independence and knowledge and understanding of their rights can the idea of self-confident and independent women take independent decisions of their lives be achieved. Special attention must be placed in teaching women on women's legal and human rights conferred by the constitution. A well-known feminist writer Martha Nussbaum claimed that the covers of justice are the key to women's progress.

Women's organisations should aim to empower women by changing society's attitudes towards conventional damaging practises. One of the most important objectives of different women's organisations and NGOs is to help women regain their lives and trust. These objectives can only be fulfilled if women have sufficient legal knowledge and economic independence to exercise independent decisions in their own lives. Such programmes can provide advice and a connection between women victims if conducted inside shelter houses. Only if cultural norms and attitudes towards women can be changed for which a modification in the school curriculum should be made can violence against women be curtailed. The study material should contain curriculum that educates school, colleges, and university students on human rights and gender. "Curriculum reform aimed at minimising the gender stereotyping in schools (teaching women's historical accomplishments, eradicating sex stereotypes in textbooks, encouraging girls to take part in athletics), are key steps towards gender equality" Indigenous communities and religious leaders sometimes sustain and promote violence against women in India. Therefore, the indigenous populations must endeavour to develop procedures and techniques that eradicate cruel behaviours of this age towards women. Religious leaders and experts must examine sacred documents and ideas in order to develop egalitarianism and respect for women [9].

Conclusions:

The historical basis for discrimination against women has been gender inequalities between men and women, which has been an obstacle in the development route in social justice, economic equity, and equal opportunity. Eliminating discrimination against men and women is essential to satisfaction, motivation, dedication and passion, and the protection of women's fundamental rights. The implementation of different legislation and effective and efficient enforcement measures must prevent discrimination against them. Access to basic education, health and life expectancy, equality of economic opportunities and political empowerment include gender equality measures. Although obvious progress has been made, there are still many disturbing gender-based problems now. The National Assembly's oversight powers should focus more on ensuring that government entities respect women's rights in accordance with the laws of Nigeria. Through exposing acts of discrimination against women's rights, labour unions and civil society organisations could help the National Assembly. The importance of equality should start with teaching children that discrimination against gender is not proper in school. If females receive equal opportunities both in schools and in their careers, they grow up to join the job, ensuring that their talents and skills are not disregarded.

Unless the state promises safety and security, economic power cannot be exercised. Unless the company is sent, safety and security cannot be attained. In society where money is one of the principal sources but not the sole source of influence and respect, women can be neither protected nor respected without economic means. The circle goes like that. This spiral means that it cannot be on a single front to fight for women's independence. There is no strong enough organisation, and no component of that fight is sufficiently healthy to bring the fight to a just end. It's an all-embracing move that must be conducted simultaneously on a social and economic, political, legal front. It should use its balance, the goddess of justice, and shine on her sword.

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