

ENCROACHMENT ON HUMAN RIGHTS: A STUDY OF WOMEN'S RIGHT WITH SPECIAL REFERENCE TO WORKING WOMEN OF NALBARI DISTRICT OF ASSAM

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Abstract

Human by virtue of their being human possess certain basic and inalienable rights which are commonly known as human rights. But there are certain groups of human beings which either by nature or because of deep rooted customs are weak and vulnerable, such as child, women, disabled person, aged person migrant workers etc. their rights have been violated very frequently by the dominant section of the society. The advancement of women has been a focus of the work of United Nations since its creation. The preamble of the charter of United Nations sets as a basic goal to reaffirm faith in fundamental human rights in the dignity and worth of human, in the equal rights of men and women. But despite that discrimination against women is going on in different part of the world. This paper is an attempt to study the issues of human rights of women in India.

Key words– Human Rights, Vulnerable, Discrimination

1.0 Introduction

Human right is a dynamic concept which basically refers to the basic rights that entitled to every human being, irrespective of any discrimination on the basis of race, colour, nationality, sex or religion. Without these rights a person cannot lead a dignified life. Human rights is aimed at the preserving the dignity of the people. It is basically related to life, liberty, equality and dignity of the individual which is guaranteed by the constitution and which also enforceable by courts in the India.

women as a commune had waged struggle for recognition of their rights as a human being. Women perform multilateral role in the society such as a breadwinner of her family, as a care taker of her family as a mother, wife, daughter and service provider to the society. In spite of the fact that the women's contribution to the country's development is equal to that of their male counterpart, still they experience a number of limitations that restrain them from comprehending their potential for expansion. Issues commonly associated with notion of women's rights include, though are not limited to, the rights: to bodily integrity and autonomy; to vote; to hold public office; to work; to birth control; to have an abortion; to education; to free from rape; to fair wages or equal pay; to own property; to serve military or be conscripted; to enter into legal contracts; and to have marital or parental rights. Human rights being essential for all round development of the personality of individuals in the society must necessarily be protected and made available to all individuals. They must be preserved, cherished and defended if peace and prosperity are to be achieved in society. In India all citizen are entitled to enjoy the privilege human rights. Several initiative have been under taken in India for the greater protection of the rights of women as they are considered to be a vulnerable group in the society.

2.0 Statement Of The Problem

In the Vedic times, women were given respect and honor in the Indian society. But in the middle age it got deteriorated. Various ill practices came into existence against women which diminished the women status. Indian society became male dominated society and women were started to be treated as man's slaves. Slowly they became the weaker section in the society because men used to keep women under their thumb. They were forced to obey men living under the boundary of the house. Women were prohibited to take part in many domestic, social as well as external matters. They were forced to live under the influence of parents before marriage whereas under the influence of husbands after marriage. Earlier the elders of the family were not be happy on the birth of a female child in the home however they became double happy if the child was male. They understood that male

child will be source of money whereas female child will be consumer of money. Birth of daughter was supposed as curse to the family.

But after the independence there has been a lot of improvement in the status of women in India. Gradually women started enjoying equality with men in the society. Women have all the rights and privileges in every areas as possessed by the men. Even after the presence of exploitation against women, they are now feeling much emancipated and free. Almost half area and population in India is covered by the women so the development of the country depends upon the status of both sex equally. We cannot achieve success if fifty per cent of the population is not given equal opportunities and rights. Now-a-days, women are getting top positions in various fields of life such as some have been great political leaders, social reformers, entrepreneurs, business personalities, administrators, etc.

The Constitution of India has given equal rights, privileges and freedom to every section of the society. A numbers of provisions have been introduced to improve the condition of women and to give them a platform to utilize their potential for their upliftment in society and contribute positively toward the growth of the country. The development of the country is depend on the socio- economic position of its women as almost half of its population is women. Women’s rights are the rights entitlements claimed for women and girls of many societies worldwide. In some places these rights are supported by law, local custom, and behaviour, whereas in others they may be ignored or suppressed.

3.0 Objectives

The objective of this study is -

1. to know about the women rights in India.
2. To enquire into the fields in which women are prone to discrimination.
3. To know about constitutional and legal provisions to safeguard women rights.

4.0 Methodology

The present study is based mostly on empirical evidences. Descriptive analytical method has been used in the study. For the collection of primary data field survey was done. Simple random sampling technique was employed for the selection of sample. A numbers of female were interviewed following a questionnaire with intrinsically open ended and close ended questions. Secondary data were collected from books, magazines, articles and web sites. APA 7th edition referencing style has been used to authenticate the data used in the study.

5.0 Universe of the study

The present study is undertaken in the Nalbari district of Assam. 100 nos of respondent from 10 villages of different location of the district were interviewed to accomplish the objectives of the study. Villages were selected using lottery method. Respondents were selected using snowball sampling method.

6.0 Results And Discussion

To study the issues while collecting data from field the the following variable was identified and accordingly respondents were interviewed.

6.1 Child Marriage:

Age of marriage	Bellow 18	Above 18
	20 %	80 %

Child Marriage is still being practised in different parts of India.the above table shows that 20 per respondent were married before the age of 18 that is considered to be child marriage. Child marriage takes away from a girl child the innocence of her formative years of life necessary for physical, emotional and psychological development. Spousal violence especially sexual violence perpetrated by husbands has severe effect on the innocent mind and body of the child. The major step was taken by the Law commission of India through Chid Marriage Act 2006 by fixing the minimum age for marriage which is 18 years for girls and 21 years for boys.

6.2 Adultery:

Intercourse with others than spouse	Yes	No
	2%	98%

Adultery is a very serious crime against women in India and affect married women by and large. In simple word adultery means having sexual relationship with a married person other than the spouse. In the study it is found that 2 percent women have experienced with it. The offence of adultery is dealt with by section 497 of the Indian penal code. As per section 497 the offender shall be punished with imprisonment for a term which may extend to five years or both. In such case wife shall not be punished as a partner in crime.

6.3 Female Feticides:

Pressure for abortion	Yes	No
	25 %	75 %

Female feticides means identifying and killing of fetus before they take birth. This is the most brutal way of killing women. The study reveals that 25 percent respondent got pressurized by family member to for abortion. We considered ourselves educated and civilized but this custom is practiced in a big manner. Recently in Maharashtra Female feticides treated as murder. This provision will bring this crime within the category of murder under section 302 of the India penal code.

6.4 Domestic Violence:

Domestic violence (both physical and psychological)	Yes	No
	35 %	65%

Domestic violence becomes a serious problem for women. Domestic violence means mental, physical, emotional and economical harassment of a woman by family members. The abobe shows that 35 percent women have become victim of domestic violence by this form or that.

6.5 Sexual harassment at the workplace:

Harassment at workplace	Yes	No
	20%	80 %

The issue of sexual harassment has largely been swept under the carpet in India. Tha study shows that 20 percent respondent have sexually harassed at workplace which is a matter of grave concern. Though provisions have been made by Indian government to restrict this kind of activities, the provisions have never been successfully invoked because of social taboos still associated with sexual harassment. In India the women are discriminated against in terms payment of remuneration for their jobs.

6.6 Dowry

Violence for dowry	Yes	No
	23 %	77 %

Dowry is another or social evil also going on in the present day context. 23 percent of respondent said that there have been dowry related issues at their family. Civil law of Indian has prohibited the payment of dowry in the year 1961. Dowry is one of the strong and Mega reason of increasing domestic violence.

6.7 Preference for a son:

Preference for son	Yes	No
	82 %	18 %

The preference for a son is a phenomenon which is historically rooted in the patriarchal system of the Indian society. In a patriarchal society the sons were seen as the major contributor to the family workforce vis a vis a girl. The above table shows that 82 percent respondents preferred for son while only 18 percent denied this. The desires for a son often have an adverse effect on the health of the mother also. All these issues gradually led o the neglect of the female child who are often negated to the background even in the present day Indian society.

6.8 Societal violence against women

Any societal violence	Yes	No
	45 %	55 %

The communities 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. Study reveals that women have been facing societal violence based on gender in one form or other.

7.0 Constitutional provisions to protect Human Rights of Women

Constitution provision which helps to ensure dignity of women. Lots of provisions have been introduced through constitution to ensure dignity and self-respect to the women at large. Dr. B.R. Ambedkar father of Indian constitution who said that Indian constitution makes sure that constitution of Indian safeguard the social and legal rights of women. Some of the important provisions are mentioned as below-

- (a) Article 14:- Article 14 of Indian constitution of Indian ensures equality before the law or the equal protection of the laws within the territory of Indian. It provides equal legal protection to women against any women based crime.
- (b) Article 15:- Article 15 of Indian constitution of Indian ensure that no one should create any kind of discrimination only on the grounds of religion, caste, sex or place of birth or any of them within the territory.
- (c) Article 16:- Article 16 of constitution of Indian ensures equal employment opportunity to every citizen of Indian
- (d) Article 39:- Article 39 of constitution of India ensure the benefit to the directive principle of State policy to the women, Article 39 (c) ensure equal pay for equal work for both men and women.
- (e) Article 42:- Article 42 provisions for just and human condition of work and maternity relief.
- (f) Article 243:- Article 243 of the constitution of Indian ensures reservation of seats in Gram Panchayat (30%).

8.0 Legal Provisions To Safeguard The Rights Of Women

From time to time Indian parliament has been adopting different law for the protection of the rights of women. The Dowry prohibition Act-1961 is a consolidated anti dowry law. This legislation provide for a penalty in section 3 if any person give or receiving dowry the punishment could be imprisonment for minimum five years and fine 1500 or the value of the dory received. The protection of women from domestic violence Act 2005 has been created for the protection of women from the domestic violence includes actual abuse or the threat of abuse that physical, sexual emotional, Economic and Harassments by way of unlawful dowry demands to the women. The Indian penal code 1960 also plays a vital role to protecting the women right like regarding –Female feticide section 302 as murder rape section 375, 376 Indian penal code. Where also mentioned about the punishment for offence. The National commission of women Act 1990 protects the women rights in India. It investigates women related right for the safeguard of women rights. Child Marriage Act 2006 prohibits solemnization of child marriage and connected and incidental matters. This Act is armed with enabling provisions to prohibit for child marriage, protect and provide relief to victim and enhance punishment for those who abet, promote or solemnize such marriage. This Act also calls appointment of Child Marriage Prohibition Officer for implementing this Act. The Criminal Law (Amendment) Act 2013 deals with the rape cases in India. to deal with the rape cases in India.

The Married Women's Property (Extension) Act, 1959 provides that wages and earning of any marriage women acquired and gained by her after the passing of this act in any occupation or trade carried out by her shall be deemed to be her separate property. The Medical Termination of Pregnancy (MTP) Act. was enacted by the Indian Parliament in the year 1971 with the intention of reducing the incidence of illegal abortion and consequent maternal mortality and morbidity. Similarly the Maternity Benefit Act, 1961 regulates the employment of women and maternity benefits mandated by law. It states that a woman employee who has worked in an organization for a period of at least 80 days during the 12 months preceding the date of her expected delivery is entitled to receive maternity benefits, which includes maternity leave, nursing breaks, medical allowance, etc. The Factories Act 1948 made provision for welfare of women such as prohibition of employment of women during night hours, prohibition of work in hazardous occupation, fixation of daily hours of work etc. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ensures women's safety at workplace, and it seeks to protect them from sexual harassment at their place of work.

9.0 Some important cases and verdicts given by Indian courts in the matter of women's Right

Indian courts on the basis of constitutional provisions have regarded a number of rules and regulation in favour of women's right in the form of verdict of different cases in different time. Some of those important cases where court have given important verdict are –

C.B. Muthamma vs. Union of India – In this case Supreme Court held that the provisions in service rules (of Indian Foreign Service Rules of 1961) requiring a female employee to obtain the permission of the government in writing before her marriage is solemnized and denying right to be appointed on ground that the candidate is a married women are discriminatory against women. Air India vs. Nergesh Meerza – In this case Supreme Court struck down the provisions of the rules which stipulated the condition that service shall be terminated of a women employee on her first pregnancy as unconstitutional. Maya Devi vs. State of Maharashtra – The requirement that a married woman should obtain her husband's consent before applying for public employment was held invalid by Court in this case. Pratibha Rani vs. Suraj Kumar case- In this case Supreme Court held that it cannot be said that upon entering into matrimony the property of a married women has to be placed in the custody of her husband.

Geeta Hariharan vs. Reserve Bank of India – The supreme Court while interpreting the word ‘after’ used in section 6 of Hindu Matrimony and guardianship Act, 1956 held that the mother could be the guardian in absence of father. Vishaka and others vs. State of Rajasthan - In this case Supreme Court presented a law until legislature legislate to safeguard the interest of the working woman and protect them from sex exploitation at the place of work.

10.0 Concluding Remark

For the proper development of a country like India importance should be given on women empowerment and rights of women must be protected from acts that violate them. Traditional practices like female infanticide, dowry deaths, domestic violence, sexual abuse, witch hunting etc. have to be eliminated from our society for the proper development of women in all fields. Only laws or acts cannot protect the violation of women’s rights, public awareness and adequate education must be implemented. It is only then that gender equality and women’s empowerment can become a reality. At present time though a significant development of gender equality or condition of women has seen but yet it is not fully achieved.

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