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## Women security and human right in India: A contemporary analysis

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### Abstract

This research paper is basically descriptive in nature. Data from various resources such as census of India, National Commission for women and various other published as well as unpublished resources were used to document it. In India women security has become a most popular issue. Various women were raped and the women are not having the basic day to day rights. This research paper highlights the various constitutional safeguards provided to women in India and various other schemes currently run by Govt. of India. Some of the views of the father of nation Mahatma Gandhi are also highlighted to know his views about women. The current data from National Commission of Women on safety of women is also taken and after analysis of data and conclusion some suggestion are also provided to make better position of women in this developing India.

**Keywords:** Women security, human right, rape

### 1. Introduction

Women are mother of Earth (Dharti Mata) who as women is Supreme Being and Guru. She plays a role of mother, sister and daughter. She started human and social life. Since the ancient time India is known as Dharma Bhumi i.e. land of true law. According to Manu, "the Gods are satisfied whenever women are honored, but where they are not respected, rites and prayers are ineffectual". India is a religious country where they treat Women as Goddess. Girls are worshiped in temple as Devis i.e. Goddess. On the other hand women were depressed since the Ancient time. We have various cases from our religious epics such as Agni Pariksha of Sita in Ramanaya, treatment with Dropati by Koroas as well as Pandows in Mahabhart. Since the Ancient time and with the increase of Islamic and western influence of Indian culture their position has been become so worshiped. The medical treatment of Pregnancy (MTP) Act, 1971, legalized abortion however under certain conditions. It states that pregnancy can be terminated by at least on registered medical Practitioner (if the length of the pregnancy doesn't exceed 12 weeks) and by at least two registered Practitioners (if the length of the pregnancy is between 12 & 20 weeks)<sup>1</sup>.

Pregnancies that can be terminated also include those in minor (under) or lunatics with the permission of permission of guardians. The Medical Treatment of Pregnancy Act has been said to legalize abortion, but not present it as a right for Women. Also 20 weeks limit has been criticized. As per the Census of India 2011, the total number of 586.47 million women account for 48.46% of the total population of the country. In view to the significant role played by women in the overall development and progress of the country, the constitution of India has enshrined the Principle of gender equality in its Preamble, Fundamental Rights and Directive Principles of State Policy.

Recognition of Women's right as human rights is a revolutionary nation. This radical reclaim nation of humanity and corollary insistence that women's right are human rights have profound transmission potential. During the UN Decade for Women (1976-85) Women from many geographical, racial, religious, cultural and class background took up organizing to improve the status of Women. The United National Sponsored Women's conference, which took place in Mexico city in 1975, Copenhagen in 1980, Nairobi in 1985 were convened to evaluate the status of Women and to formulate strategies for women's advancement.

<sup>1</sup> Khan N. H. (2014) Indian Journal of Politics 2

The most important international treaty specifically addressing Women's 130 countries.

In the fourth World Conference on Women in Beijing in Sept. 1995, the United Nations Secretary-General Boutros Boutros Ghali, said violence against Women is a universal problem that must be universally condemned. But he said that problem continues to grow. The Secretary General noted that domestic violence alone is on the increase. Studies in 10 countries he said, have found that between 17% and 38% of Women have suffered physical assault by a partner<sup>2</sup>. In plate form for Action, the core document of the Beijing constitute a violence of basic human right and is an obstacle to the achievement of the object of equality, development and peace.

**Rape** The English word 'rape' is derived from Latin word 'raper'. The Merriam Webster Dictionary defines rape as "Universal sexual activity". However there can be several types of rapes like penetrative, non-penetrative, consensual, marital, and the crime of rape varies culturally.

#### Objectives of the study

1. To know about the rights of women in India
2. To know the security of women in India
3. To know about the Government Schemes for the women.
4. To know the safe guards provided by constitution of India to women.

#### Research methodology

This paper is basically descriptive and analytical in nature. In this paper an attempt has been taken to analyze the human rights of women. Data from various published and unpublished sources was used for this study. After the analysis of data and discussion some suggestion were provided to improve condition of women in India.

#### Historical Overview

In Vedic period Women enjoyed all sort of necessary rights which are essentially for human being. Women had access to all branches of learning and enjoyed a position at par with men. Women played an important role in religious ceremonies. The girls were free to choose their own life partners by Swayamvara System. They had all the opportunities to pursue education, including study of Vedas and were eligible for Upanayana. They could end a marriage and remarry and even widows remarried, even during Kautiliya's time, Women lived with dignity. In the Late Vedic period women were treated as bonded laborers, like slaves. The social status of women was undermined, many restrictions were imposed on them and they were deprived of many basic human rights. Even through Women were in majority in the society, they were discriminated and ill treated by men. The condition of Women started deteriorating through sexual discrimination. Women were denied the property by men. Manu was responsible for the degradation of Women in India. Manu in his Manusmriti has prescribed the number of laws with respect to Women, which were totally inhuman and irrational. The right to education and right to property were denied to them. Women shells not perform the daily sacrifices prescribed by the Vedas. Manu clearly enunciated that a widow should

never even dream of re-marriage and divorce. The Golden age of Gupta kings had been dark for the women. The Gupta kings strictly practiced the Brahminical laws by upholding certain rules for Women like Sati and celibacy of widows. Coming of Mughal in India too had bad effect on Status of Women. During the Mughal the women started living under Hijab. Women were just sold for avoiding the wars. The case of Joda and Akbar was one of the examples.

After ages of suffering, suppression and enslavement the new hopes dawned in the lives of women with the introduction of western enlightened many Indians and many social workers started to purify the Hindu society from this social evils.

#### Rape, abortion and Response of Indian Law

Rape: It is a humiliating and the most shocking of the crimes against human conscience and morality. This crime occupies a significant place in the penal status of every country. The laws, relating to sexual offences do not have adequate provisions for the protection of female victims. Sections from 375 to 375 (D) of IPC deals with the issues of rape. It denotes the sexual intercourse with a woman first against her will, secondly without her consent, thirdly with her consent obtained by putting in fear of Death or hurt, fourthly her miss conception of one's identity as husband; fifthly with her consent when at the time of giving such consent. She is under the influence of under unsound mind.

**Delhi rape case 2012:** On 16 December the whole world was shocked when a girl named Jyoti Singh, known popularly by Nirbhaya (fearless) was mercilessly gang raped by 5 men. They subjected her to an iron rod that pulled out her intestines, injuries to which she would succumb to. She was gone with her male friend to watch a movie and the incident took place when they were coming back home in a private bus. After the December 2012 Delhi gang rape case, Govt. of India constituted a judicial committee headed by justice J. S. Verma to suggest amendments in criminal laws and punishment to deal firmly in sexual assault cases, and based on the recommendation of the committee a Criminal Law (Amendment) Act 2013 was passed. The word Rape has been replaced with sexual assault and it includes assault without penetration, and penetration to any extent other than penile penetration is also an offence. Hence offences have been added like Acid attack, sexual harassment, voyeurism, stalking with related punishments.

**National Commission for Women:** The **National Commission for Women (NCW)** is a statutory body of the Govt. of India, generally concerned with advising the government on all policy matters affecting women. It was established in January 1992 under the provisions of the Indian Constitution as defined in the 1990 National Commission for Women Act.<sup>3</sup>

#### International Women's Day

8<sup>th</sup> March, the International women's Day, is an occasion celebrated by women groups around the. Women of all Continents often divided by national boundaries and by ethics, linguistic, cultural, economic and political diversities, came together to celebrate their solidarity on this day. They took back to tradition that represents decades of Struggle for

<sup>2</sup> Ansari, M. R. (2006). Protecting Human rights. Max Ford Books, New Delhi

<sup>3</sup> www.ncw.nic.in

equality, justice, peace and development. The international women Day is the story of ordinary women as makers of history. It is rooted in the century old struggle of women to participate in society on an equal footing with men. Proportion of crime against women (IPC) and Total IPC crime

Table 1.

SL. No.	Year	Total IPC Crime	Crime against women (IPC)	Percentage to Total IPC Crimes
1	2011	23,25,575	2,19,142	9.4%
2	2012	23,87,188	2,44,270	10.2%
3	2013	26,47,722	2,95,896	11.2%
4	2014	28,51,563	3,25,327	11.4%
5	2015	29,49,400	3,14,575	10.7%

Source: National Commission for Women.

Table 2: Police Districts Registering above 2,000 cases under crime against Women during 2015

SL. No.	State/UT	Police District	No of Cases
1	Maharastra	Mumbai Commr.	4803
2	West Bengal	South 24 Parganas	4073
3	Karnataka	Bengaluru City	3079
4	Telangana	Cyberabad	2994
5	West Bengal	Murshidabad	2984
6	Delhi UT	South	2712
7	West Bengal	North 24 Parganas	2690
8	Assam	Barpeta	2682
9	Telangana	Hyderabad City	2405
10	West Bengal	Nadia	2331
11	Delhi UT	Outer District	2284
12	Assam	Dhubri	2021

Source: Rashtra Mahila, February 2017

Analysis of the Table 2 reveals that Mumbai Commer police station holds highest registered cases against women in India followed by South 24 Parganas Police station of West Bengal. Karnataka holds the third place having 3079 cases.

Table 3: State wise Report of Complaints Received by National commission of women in year 2017

S. No.	State	Jan	Feb	Mar	Apr	May	June	July	Total
1	Uttar Pradesh	731	575	621	599	906	837	703	4972
2	Delhi	120	97	140	94	192	139	121	903
3	Haryana	72	61	69	48	92	78	75	495
4	Rajasthan	57	37	53	45	81	50	47	370
5	Bihar	28	31	60	49	72	48	41	329
6	Madhya Pradesh	34	32	36	36	56	29	30	253
7	Maharashtra	17	35	68	28	57	18	29	252
8	Karnataka	11	22	39	28	47	9	29	185
9	West Bengal	20	17	24	18	26	18	21	144
10	Uttarakhand	20	11	18	14	27	18	23	131
11	Tamil Naidu	9	19	35	19	26	10	12	130
12	Punjab	8	11	28	10	33	14	10	114
13	Other States	58	73	96	77	91	79	58	532

Source: National Commission for Women, New Delhi

Table 3 reveals that there are highest complaints received in Utter Pradesh it constitutes more than half of complaints i.e. 56%. New Delhi holds the 2<sup>nd</sup> highest place having 10% of

the total cases. Haryana holds third position having 5.6% of the total cases. Rajasthan holds the fourth place having 4.19% of the total cases.

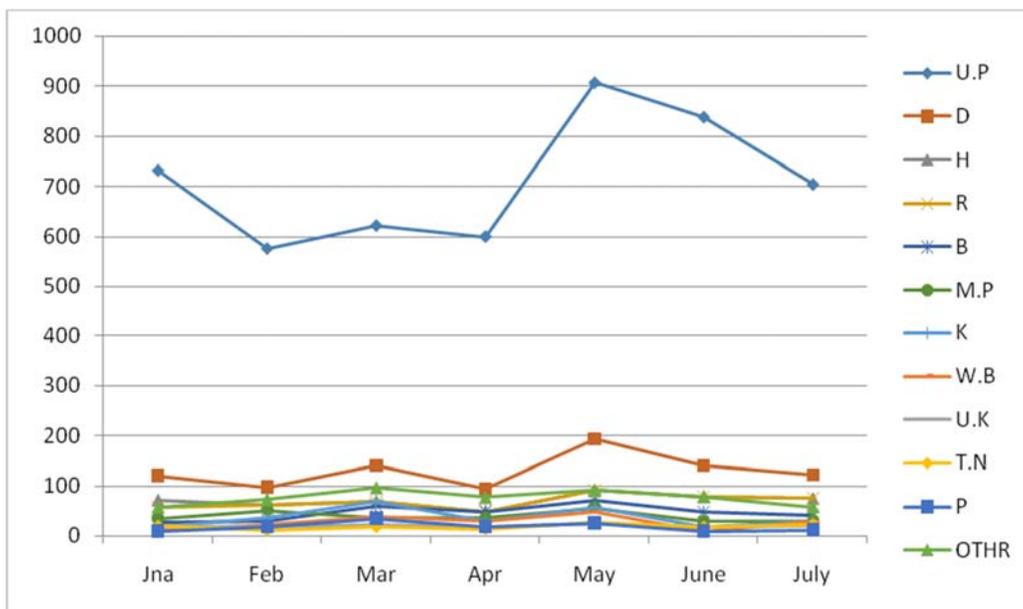
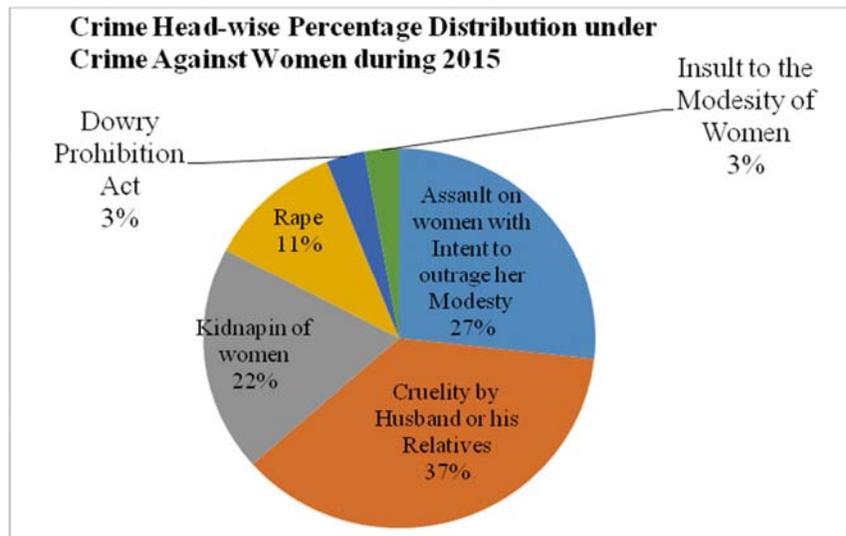


Fig 3: Graphical representation of



**Law for protection of Women**

1. The Hindu widow’s Remarriage Act
2. The Indian Christian Marriage Act, 1872
3. The Arya Marriage validation Act, 1937
4. The Muslim personal law (Shariat) Application Act 1937
5. The immoral Traffic (prevention) Act, 1956
6. The dowry prohibition rules, 1985
7. The Family court Act 1984
8. The pre Natal Diagnostic techniques (Prohibition of sex selection) Act, 1994
9. The protection of women from Domestic violence Act 2005.
10. The protection of women against sexual harassment at workplace bill, 2007.
11. The maintains and welfare of parents and senior citizens Act 2007
12. The marriage laws (Amendment) Bill, 2010
13. The sexual Harassment of women at Workplace (prevention, Prohibition and Redressal) Act, 2013
14. Criminal Law Amendment Act, 2013

**Right to Vote:** During the 19<sup>th</sup> century the right to vote was gradually extended in many countries and women started to campaign for their right to vote. In 1893, New Zealand became first country to give women the right to vote on a national level. Various other countries such as Australia in 1902, Finland in 1906, Norway in 1913, Denmark in 1915, Netherland in 1917, United States in 1920, France in 1944, Japan in 1945 and Kuwait in 2005 provided right to vote to women.

**Government Scheme for Women**

1. Rastria Mahila Kosh (RMK): It is a national Credit Fund for Women was set up as a registered society under the Societies Registration Act, 1860 on March 30,1993 to provide credit support or micro-finance to poor women for starting income generating activities such dairy, agriculture, shop-keeping, vending and handicrafts.
2. Swayasjdha: It is an integrated project for the development and empowerment of women through Self Help Group (SHG) with emphasis on covering services, developing access to micro-credit and promoting micro-enterprises.

3. Ujjawala: The trafficking of women for commercial sexual exploitation is an organized crime that violates basic human rights. India emerged as destination and transit for both in-country and cross border trafficking. Preventing this Government of India has adopted a multi-sectoral approach by formulating a “comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking for Commercial Sexual Expolitation Ujjawala” in 20007.
4. Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG)- SABLA: the Govt. of India introduced the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls-SABLA in 200 districts in November, 2010 to empower adolescent girls in the age group of 11-18 years by improving their nutritional and health status.
5. Indera Gandhi National Widow Pension Scheme (IGNWPS): This scheme was launched in February 2009. The Ministry of Rural Development, Government of India is implementing this scheme. The rate of monthly pension under IGNWPS was enhanced from RS 200 to RS 300 per BPL beneficiary in the year 2012.
6. Beti Bachao Beti Padhao: The census of India 2011 showed a significant decline trends in the Child Sex Ratio (CSR) between 0-6 years with an all time low of 918. For this problem Government has announced ‘Beti Bachao, Beti Padhao’ Programme to address the issue of decline in CSR through a mass campaign and Multisectoral action in 100 gender critical districts.
7. Sukanya Samriddhi Account: The prime Minister of India launched a small saving scheme called Sukanya Samriddhi Account (Girl Child Prosperity Account) on January 22, 2015 for improving the welfare of the Girl Children in India. A guardian can open only one account in the nale of one Girl child and maximum two accounts in the name of two different girl children. This facility will be extended to the third girl in the event of birth of twin girls in 2<sup>nd</sup> birth or birth of 3 girl child’s in 1<sup>st</sup> birth itself.
8. Mission Indradhanush: India records 5 lakh child deaths annually due to vaccine preventable diseases. Despite high childhood morality rates due to vaccine preventable diseases, 30% of India children miss the

benefits of full immunization every year. For this problem The Ministry of Health and Family Welfare (MOHFW) adopted the mission mode and launched 'Mission Indradhanush depicting seven colors of rain on 25<sup>th</sup> December, 2014.

9. Sarva Siksha Abhiyan (SSA) Programme: The Govt. of India launched Sarva Shiksha Abhiyan (SSA), a comprehensive and integrated flagship Programmes in 2001-02 in partnership with the State Governments and Local Self Governments to attain Universal Elementary Education and cover the entire country in a mission mode. The Programme covers the whole gamut of elementary education sector and is flexible enough to incorporate new interventions like specific interventions for girls, e.g., National Programme for Education of Girls at Elementary level (NPEGEL) and Kasturba Gandhi Balika Vidyalaya (KGBV). SSA provides free education between 6-14 years age.
10. Mid Day Meal Programme: The Govt. of India initiated the National Programme of Nutritional Support to Primary Education (NP-NSPE) on 15 August 1995 as a centrally sponsored scheme to give a boost to universalization of primary education by mitigation classroom hunger and improving nutritional status of primary school childrens. Integrated Rural Development Programme.

#### **Role of Judiciary**

In a country like India people are having a great hope on Judiciary. Judiciary too has proved good in this regards as in India is a demarcated and judiciary is independent. But in various cases Indian judiciary is proved too wrong. When there comes a question about law and humanity, Judiciary favors law more than humanity. Recently a ten year old girl became pregnant as she was continuously raped by her maternal uncle for a year. When she came before Haryana high court for justice, as she was pregnant having a 23 weeks baby. The court in awarding justice to the 10 year old child declared that she cannot have abortion as Medical termination of Pregnancy (MTP) Act of 1971 allows abortion within 20 weeks. Doctors from Post Graduate Institute Chandigarh declared that as the girl is only 10 years she cannot have normal delivery and her life is in danger<sup>4</sup>.

#### **Role of Gandhi and other great personalities in improving condition of women**

Gandhi, the Father of nation has contributed much for improving status of women in society and providing education to them. He said 'if you educate a man you educate an individual, but if you educate women you educate an entire family. A mass participation under Gandhi leadership gave women a sense of equality which was unheard in the traditional bound Indian society. A special organization to awaken and educate women in rural area was the contribution of Gandhi to the women's case. He made women realize that 80% of women are in rural area. He created the Kasturba Gandhi National Trust to train workers from rural area and bring the message of free India to the people in our village. He also make a shift in center of economy to the hands of women by spinning charkha and made khadi a popular and swadeshi product.

#### **Conclusion and suggestions**

From the above discussion it is clear that condition of women in India is very bad. We are one of the top most growing economies of world but we are much below in rank when compared on condition of women. Some of the suggestions to improve condition of women are

- Helping women to participate in the developmental programs.
- Imparting social and political knowledge to women
- Establishment and running free maternity and child welfare of all the people.
- Development leadership qualities among women.
- Promoting recreation programs for them.

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<sup>4</sup> Times of India, July 19,2017