



Proceedings of
National Seminar
on
Crime Prevention Strategies

6th & 7th March, 2019



Organized by
Department of Forensic Science
Annai Fathima College of Arts and Science
(Affiliate to Madurai Kamaraj University &
Accredited by NAAC)
Thirumangalam, Madurai - 625 706
Tamil Nadu

In Collaboration with
The Indian Society of Criminology

HUMAN RIGHTS VIOLATION AND DISCRIMINATION AGAINST WOMEN IN MODERN INDIA



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Abstract

The Indian society is male commanded and women are treated with some level of discrimination. Amid the most punctual time, women were underestimated and their status is helpless and their rights were denied in both home and open. In our medieval era women were treated as like gods such as Saraswathi, Lakshmi, Petchi, Kali, Mariamman, and etc. are worship across the country. Another side, they have blocked all their rights such as social, economic, cultural and educational rights. Sati was one of the inhuman treatment and major human rights violation against women. Many parents forcible their daughters to temple priests that time was famine and hardship. After various agitations by the reformers and freedom fighters constantly fought against in humanitarian treatment of women and various discrimination against them. The women were not genuinely treated by the man-centric culture. Gender discrimination and also several violence against them such as Sexual harassment, kidnapping, abduction, ragging, rape, prostitution and trafficking, dowry death, female infanticide, honour killing and etc. are the other different forms of violence against the women which are still prevalent in the society. The government and written laws not only effective preventive measures to violation and discrimination against women by alone. The judicial system, not enough complete all the trails in the court. In this juncture, The whole society especially political parties, social activists, NGOs, lawmakers and stakeholders should take special attention towards women for preventing the all the human rights violation and discrimination against them as well as we should need to change our mindset towards women are weaker in the society.

Keywords: Human Rights Violation, Discrimination, Harassment, Trafficking

Introduction

In the earliest period, women treated as more vulnerable and their rights were violated in both home and public. The women were not fairly treated by the patriarchal society. But, in the present context, the concept of 'women rights' has a questionable and also their rights are violated by a male-dominated society and also most of the discrimination against women. The Indian society is male commanded and women are treated with some level of discrimination. In our medieval era, women were treated as like deities such as Saraswathi, Lakshmi, Petchi, Kali, Mariamman, and etc. (PoonamDhanda. 2012, pp.1-14). Another side, they have blocked their rights such as social, economic, cultural and educational rights. Sati was one of the

inhuman treatment and major human rights violation against women. Many parents who forcible their daughters to work for temple priests that time was famine and hardship. After various agitations by the reformers and freedom fighters constantly fought against in humanitarian treatment of women and various discrimination against them. The women were not genuinely treated by the man-centric culture. Sexual harassment, kidnapping, abduction, ragging, rape, prostitution and trafficking, dowry death, female infanticide, honour killing and etc. are the other different forms of violence against the women which are still prevalent in the society (Murugesan et al, 2019).

Our past history and epics were given as mainstream to the women. But we cannot ignore positive points for women in India. If we remember our history, In Tamilnadu, we found that there were some women like Rani Mangamma, Velunatchiyar to IndraNuye are the example for positive arguments. It was all that what we focused on our open eyes, however, if we see behind the veil we can found all the crimes against women at home, office, workplaces, streets, and etc. It is found through the survey that the reason of violence against women is the lack of gender-friendly environment and improper functional infrastructure such as consumption of alcohol and drugs in open area, lack of adequate lighting, unsafe public toilets, sidewalks, lack of effective police protection, lack of technical improvement, helplines, insecurity in public transports, and etc., (Mehta et al. 2017). Girl students in the schools and colleges faced more crimes against them by teachers, van and bus drivers, tuition masters, delinquent boy students in the school. In some places, girl children are a sale by her parents for money.

Common Violence against Women in India

Violence against Women can appropriate into numerous broad categories. These include violence committed out by "individuals" as well as "states". Various kinds of violence involved by individuals such as rape, domestic violence, sexual harassment, reproductive coercion, female infanticide, prenatal sex selection, obstetric violence, and mob violence; as well as unsafe customary or out-dated practices such as honour killings, dowry-related violence, female genital mutilation, marriage by abduction and forced marriage. Some method of violence are committed or abided by convinced states such as war, rape, sexual violence, and sexual slavery during the conflict, forced sterilization, forced abortion; violence by the police and authoritative government personnel. Many forms of Violence against Women, such as trafficking in women and forced prostitution are often committed by organized criminal networks (Prugl and Elisabeth, 2013).

WHO made research on Violence against Women, has analyzed and categorized the different forms of violence against women happening through all stages of life from before birth to old age. In recent years, there has been a trend of approaching violence against women at an international level through means such as conventions or, in the European Union, through directives such as the ordinance against sexual harassment, and the instruction against human trafficking).

Constitution and Women Rights

Our constitution of India has ensured equal rights to men and women. According to article 14 the states "Shall not negate to any individual equal before law or the equal safeguard of laws within the territory of India" and Article 15 states "State shall not separate against any citizen on surrounds only of religion, race, caste, sex, place of birth or any of them". But nowadays, it seems that there is a wide-ranging gulf between theory and practice. The women in India have always been deliberated subsidiary to men. Though the articles contained in the constitution mandates equality and non-discrimination on the grounds of sex, women are always discriminated and dishonored in our present society. Even though numerous efforts have been taken to improve the status of women in India, the constitutional dream of gender equality is miles away from becoming a reality. Though, Human Rights are the minimum rights which are forcibly obtainable by every individual as he/she is a member of human society. But it has been found that each and every right of the women is being violated and also discriminated in one or another way. The crimes against women in India are increasing at a very fast pace (RituDhanoa, 2016)

National Policy for Women Empowerment

The Government of India recognized 2001 as the Year of Women's Empowerment. The National Policy for the Empowerment of Women came was accepted in 2001. In 2010 March 9, RajyaSabha delivered the Women's Reservation Bill imposing that 33% of seats in India's Parliament and state legislative bodies be reserved for women. In India where the enormous is valued in feminine form as Shakti by numerous crimes against women, in spite of all the constitutional safeguards, is becoming commonplace and is on the increase. The violations of human rights are not simple single acts of violence. Such violence is produced by developmental models also which are subjective in favor of the state or those in power and are against poor, the marginalized such as minorities and particularly the women.

Women Human Rights In India

The fundamental rights of women were resulting listed such as Right to equality, Right to education, Right to dignity, Right to liberty, Right to political participation, Property rights, Right to equal opportunity for employment, Right to choose free of profession, Right to livelihood, Right to work in equitable condition, Right to get equal wages for equal work, Protection from gender discrimination, Social protection in the possibility of superannuation, old age and illness, Protection from inhuman treatment, Right to protection of health, Right to confidentiality in terms of personal life, family, residence, correspondence and Right to protection from society, state and family system. The World Human Rights Conference in Vienna first documented gender-based violence as a human rights violation in 1993. It was announced by the United Nations Declaration in 1993 (Shashi and Krishnan, 2008)

Types of Violence against Women

Radhika Kumaraswamy categorizes several types of violence against women, in the United Nation's special report, 1995, on Violence against Women; a) Physical, sexual and emotional or psychological violence rising in the family including thrashing, sexual abuse particularly among the female children in the houses, dowry harassment violence, marital rape, female genital disfigurement and other traditional practices harmful to women, non-spousal violence and violence related to exploitation. b) Physical, emotional and sexual violence happening within the general public, including rape, sexual abuse among the girl children, sexual harassment and bullying at work, in educational institutions and elsewhere, trafficking in women for forced to prostitution. c) Physical, emotional and sexual violence committed or disregarded by the state, wherever it occurs. Komaraswamy (1992) points out that women are also vulnerable to various forms of violent treatment for several reasons, all based on gender. 1) Because of being female, a woman is subject to rape, female circumcision/genital disfigurement, female infanticide, and several sex-related crimes. This reason relates to the social setup of female sexuality and its role in the social order. 2) Because of her implication to a man, a woman is vulnerable to domestic violence with her husband's family members, dowry murder, and etc. This reason relates to society's concept of a woman as property and dependent of the male guardian, father, husband, son etc. 3) Because of the social group to which she belongs, in times of war, riots and all other types of violence. Apart from that, racial, caste, or class violence, a woman may be raped and brutalized as a means of humiliating the community to which she belongs. This also narrates to men observation of female sexuality and women as one of the properties of men.

Measurement of violence comprise physical violence, such as setbacks of unstable strength, burns, attempted hanging, sexual abuse and rape, emotional violence through insults, embarrassment, coercion, blackmail, economic or emotional threats and control over speech and actions. These expressions of violence take place in a relationship between men and women within the family, state and society (Bina Rai, 2015, pp.59-60)

International Human Rights Mechanisms

After the implementation of the Universal Statement, the Commission on Human Rights provoked enlisting two human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights. Composed with the Universal Declaration, these make up the International Bill of Human Rights. These treaty-monitoring forms also provide imposing portrayals of the treaties and, if States have agreed, they also deliberate individual complaints of alleged violations against women. 1) Both Covenants use the same wording to prohibit discrimination based on, inter alia, gender (article, 2), as well as to ensure the equal right of men and women to the enjoyment of all rights confined in them (article. 3). The International Covenant on Civil and Political Rights safeguarded, among other rights, the right to life, right to freedom from torture, right to freedom from slavery, liberty and security of the person, rights connecting to due process in

criminal and legal proceedings, right to equality before the law, right to freedom of movement, right to freedom of thought, right to conscience and religion, right to freedom of association, right to relating to family life and children, rights relating to citizenship and political participation, and minority groups' rights to their culture, religion and language. The International Covenant on Economic, Social and Cultural Rights ensured, for illustration, many rights relating to personal health and family health of their children and other family members. UN Member States implemented the Declaration on the Elimination of Discrimination against Women, which states that discrimination against women is an offense against human dignity and calls on States to "disregard prevalent laws, customs, procedures and does which are discrimination against women, and to establish adequate legal protection for equal rights of men and women". Lesser than a year late a proposal for a legitimately obligatory treaty on women's rights was made. The Convention on the Elimination of All Forms of Discrimination against Women was implemented by the General Assembly in 1979. Its preamble explains that, despite the existence of other instruments, women still do not enjoy equal rights with men (UN Human Rights, New York, and Geneva, 2014).

Conclusion

India is a residence wherever people from entire world examine spirituality. Our past history tells us that India was a land of civilization and one of the antique civilizations was prospered in the banks of the river Indus and it had a culture of respecting the women. Women were treated like a deity. Apart from that, India has one of the ultimate systems of laws and also protects the women rights and the government has also recognized two commissions such as National Commission on Women and the National Human Rights Commission were simultaneously established in 1993. India is committed to bring equality between the genders in all walks of life and to eliminate discrimination in all its appearance. However, the most important thing wanted on this course is a change in cultural attitude among the people particularly among the male members, this can be done only when an attempt is made to rejuvenate the society and educated people about the concept of women rights and treat them by certain self-esteem and the need to treat women as a human being and individual and person demanding and needing respect and dignity. India has been recognized as a democratic system of government with decision-making, legislature, and self-governing judiciary power at state as well as national level and certain constitutional rights for women. But women are constantly attacked by male members in India and they could not move freely from one place to another place. Several kinds of attack such as physical, mental and sexual assault and rape, trafficking, forced to prostitution and etc are an interference into the right of equality and liberty, and hence a human right violation as protected by the Universal Declaration of Human Rights. There are adequate guidelines and rules here and only thing is to implement it properly so as to get protection. In India, the function of the judicial system is very slow and delays to complete the cases. Especially cases related to violation of human rights against women. Therefore, people do not trust judicial and law enforcement

agencies. In this backdrop, the Government and UN organizations should take necessary actions consulting with legislators, lawmakers, Stakeholders, other national and international human rights organizations established the additional courts and facilitating the judicial process speedy trial for complete the cases particularly cases related to the human rights violation against women. As well as, we should change our mindsets that are women are a weaker section in society. We should pay special attention to women rights and empowerment of women in our modern society.

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