

HUMAN RIGHTS: EMPOWERMENT ALONE CANNOT HELP OUR WOMEN'S FOR THEIR RIGHTS IN INDIA

Abstract

During the United Nations Millennium Summit in 2000, the goal of achieving Gender Equality and Women's Empowerment was among the eight "Millennium Development Goals" to be accomplished by 2015. However, in India, these objectives remain distant and unrealized. Women in India are routinely denied their basic right to dignity, let alone achieving gender equality. This study delves into the context of women's rights within India's patriarchal society. The article addresses issues such as dowry, female feticide, the denial of inheritance rights, the sale and trafficking of girls, and other challenges faced by Indian women. The study's purpose is to explore strategies that can empower women in a manner equivalent to how men are empowered.

Keywords: Women's Rights, Difficulties, Prospects, Empowerment, Challenges.

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I. INTRODUCTION

"All nations have attained greatness by paying proper respect to women. That country and that nation which do not respect women have never become great, nor will ever be in future"- Swami Vivekananda

"In ancient era, Sita needed to prove her innocents and her self-worth in front of whole nation of Ajodhya after Sri Ram protected her from Ravana, after an elongated war. In, Mahabharata Daupradi, also lost her self-respect in front of the Rajyashabha, because of her five husbands that lost in pasha."



Figure 1

When human rights are violated by the state or other public authorities, organisations, gangs, or other dictatorial societies, they belong to all members of the human pursuit. Individual human relations associates have the right to be considered human beings and give genetic or be alive in the womb with the potential for personhood. Based on this principle, non-derogation of some essential rights in a sophisticated society is based on colour, contest, sex, religion, etc. The basic premise to remember is that human rights are not the reward of any political sovereign through legislation or mandate but are inherent in human existence without allusion to artificial divisions.

The day requires to adapt to Human Rights, which is a dynamic idea with several initiatives. With the manifestation of society, auxiliary human rights handle new dimensions and consequences. Even though the term "human rights" first appeared in International Charters and Conventions after World War II, its perception is as mature as the antiquated notion of "natural rights" based on natural law.

The desire for a universal declaration of human rights had a significant impact on the Indian Constitution. The majority of the rights specified in the Universal Declaration of Human Rights were incorporated into the constitution as "Fundamental Rights" and "Directive Principles." The Fundamental Rights protect individuals' rights and liberties from the state's inconvenient and irrational actions. The Directive Principles provide for achieving desirable economic and social goals to meet an individual's basic requirements. In practically all aspects, such as civil, political, social, cultural, and economic rights, the Indian Constitution has placed Human Rights on a high pedestal.

In 1979, India officially endorsed the International Covenant on Civil and Political Rights from 1966. To actively uphold and respect these rights, it introduced the Human Rights Act in 1993. This act defines "human rights" as encompassing the rights linked to life, freedom, equality, and human dignity. These rights are either protected by the Indian Constitution or reflected in international agreements and can be enforced through Indian courts.

Even though the international women's human rights movement has made significant strides in recognizing, highlighting, and addressing instances of violence and injustice against women, the world still grapples with ongoing and widespread social issues. Predominantly amongst underprivileged and low caste women, social institutions such as marriage, which is associated with the structure of dowry payment, serve to enable abuses against women. The judiciary also played an important responsibility in protecting human rights of women. Women possess specific human rights needs because certain human rights violations disproportionately impact women compared to men. Moreover, there's a significant disparity between international standards and policies and the practical challenges in fully realizing and ensuring all human rights and fundamental freedoms for women. This forms a crucial foundation in understanding the issue.

"On the other hand for Ms. Hasna Mondal, a victim of rape, there is no reason for 11 years of delayed before the court for getting precise judgment. All witnesses' court still present sustained adjourning her case from month to month in the court. Many police officers who were also accomplices in the crime were acquitted after the final verdict gave by the court. , Including the police officers, 11 years, Hasna had to expression threats and terrorization from the accused in the case."



Figure 2

In this present period, unmovable crimes against women are common, as proven by the numerous examples documented. Empowering women is a critical component of transformation, but it is insufficient until each individual's mindset, whether male, female or otherwise, changes.

Everyone boasts about their values and ethics in India, but the indication of the event is just the conflicting inappropriately. More than ever, we consider ourselves to be civilized; it's not going to be straightforward to change our mindsets. Parents need to build values and ethics from the initial upbringing stage. Later, it should be concerned in the education sector and part of Human Resource Development in government & corporate employment.

Efficient law enforcement and legal measures are essential to prevent any individual from committing crimes against women and escaping consequences. The court system should be adaptable enough to impose fitting punishments that serve as examples to deter others. Currently, the legal system treats minors differently, not punishing them in the same manner as adults. For instance, in cases like the Nirbhaya incident on December 16th, where the severity of the crime is evident, what if the legal system had the authority to give life imprisonment and consider family planning as part of the sentence? When the crimes are committed in such a brutal manner, the offenders should not be treated leniently, and the punishment should be proportional to the gravity of the offense.

Crimes against women are increasing at a rapid rate in India. By 2010, the National Crime Records Bureau (NCRB) estimated that increasing crime against women would outpace population growth. The chart below shows the top five most dangerous cities in India regarding crimes against women.

Table 1

Rank	Name Of the City	Percentage of Crime Against Women in Indian Cities
1 ST	Delhi	16
2 ND	Hydrabad	8.1
3 RD	Bangalore	6.5
4 TH	Ahmadabad	6.4
5 TH	Mumbai	5.8

*Source: crimes in India – 2010, NCRB, Ministry of Home Affairs

1. Legal Requirements for Women In India: The state has implemented several legislative measures to safeguard equal rights, combat social discrimination and different forms of violence and atrocities, and provide support services, particularly to working women, to maintain Constitutional permission.

While women can unfortunately be victims of various crimes, including murder, robbery, and cheating, there are specific crimes that target women, known as 'crimes against women.' These can be broadly categorized into two main groups.

- The Crimes Identified Under the Indian Penal Code (IPC)
- The Crimes identified under the Special Laws (SLL)

Although not all laws are gender-specific, those that substantially impact women have been examined and amended regularly to keep up with changing needs.

2. Related to the Study: Kate Young (1993) describes women's empowerment as the process that enables them to "take control of their own lives, set their own priorities, collaborate to support each other, and advocate for both state assistance and societal transformation."

The Police is the next official state-run body that deals with women who have been victimised in India. Because of the police's insensitivity lack dealing with these issues, many crimes against women go unreported. As a result, proper training and gender sensitization of police officers is required to ensure that women are not oppressed due to their actions. The judiciary, responsible for delivering justice to those wronged, should be educated on gender issues. Judges and advocates can only be informed about sensitive gender issues if educated about them in law schools.

Only through changing cultural norms and attitudes toward women can violence against women be reduced, which should be addressed in the school curriculum. Curriculum that teaches students about human rights and gender concerns at the high school, college, and university levels should be included in their study materials. "To achieve gender equality, curriculum reform that seeks to eliminate gender stereotyping in schools (teaching about women's accomplishments in history class, reducing sex stereotypes in textbooks, increasing girls participation in sports) is critical.

Dowries are gifts given to the bridegroom by the bride's family and friends to commemorate the wedding. The Kanyadhan, a gift from the virgin bride, the Varadakshina, a gift from the bride's father, and the Stridah, gifts from family and friends, make up the Stridah.

According to Donnelly (2003: p10), human rights are equal rights: one is either a human being or is not, and hence has the same human rights as everyone else (or none at all).

Kabeer's (2001) definition, though debatable, holds relevance: "the expansion of individuals' capacity to make strategic life choices in an environment where this ability was previously denied to them."

In a contemporary context, human rights are defined as "international ethical and legal principles that aim to safeguard all individuals worldwide against grave political, legal, and societal injustices" (Nickel, 2003). An illustrative instance of patriarchy conflicting with women's rights is the issue of inheritance in North India. Despite being entitled to an equal portion of property, societal conditioning has dissuaded many women from asserting their rightful claims due to the apprehension of adverse societal consequences.

" I raise my voice—not so that I can shout, but so that those without a voice can be heard. ... We cannot all succeed when half of us are held back." -Malala Yousafzai

II. SPECIAL INITIATIVES FOR WOMEN

- 1. National Commission for Women:** Established in January 1992 by the government, this official commission is tasked with comprehensively examining and overseeing matters concerning constitutional and legal safeguards for women. Its responsibilities include evaluating existing legislation and proposing necessary amendments.

2. **Reservation for Women in Local Self-Government:** Enacted in 1992, the 73rd Constitutional Amendment Acts mandate that one-third of all seats in elected bodies of local governments—both rural and urban—be reserved for women.
3. **The National Plan of Action for the Girl Child (1991-2000):** This initiative outlines action plans spanning from 1991 to 2000, with the primary goal of ensuring the survival, protection, and development of the girl child. The overarching objective is to create a more promising future for young girls.
4. **National Policy for the Empowerment of Women, 2001:** Developed by the Department of Women & Child Development within the Ministry of Human Resource Development, this policy was introduced in 2001. Its primary aim is to facilitate the advancement, growth, and empowerment of women across various domains.

There should be at least one senior female police officer present when such complaints are filed, as there have been instances of police officers recreating the crime with the petitioner, sheltering the offenders, and making it difficult for women to seek justice. It's advisable to inform or report the matter to various authorities, including sending copies to the district magistrate, district collector, home ministry, police commissioner, and other relevant officials. This multi-pronged approach increases the likelihood of prompt and effective action, as the involvement of multiple authorities may deter any attempt to suppress or ignore the crime.

Women's empowerment is insufficient; everyone must recognize that they have the right to live in dignity and freedom. Each individual in a civilized society has expectations of how they should behave concerning the rest of society and society's expectations. While it is impracticable to assign a police constable to every woman in the country, they can be asked to be cautious and monitor as much of the country as possible. Each person is responsible for speaking out against crime; if you become aware of an event, raise the alarm and try to help; this may be available tomorrow.

Society is getting more responsive and conscious these days. During the 1980s, we were successful in combating the widespread female feticide. This period saw a deep revolution and a significant shift in the male-to-female proportion in the nation. Women have assembled a great deal of fortitude to defend their girl children from early death, yet it still happens in the interior, where education and adequate understanding are lacking. Our culture has also envisaged women overpowering social and morally agonizing and superstitious norms and traditions like sati, child marriage, etc. We have fully embraced widow remarriage and divorce to free women of their careworn incompatible lives.

To raise a voice against crime, women should envision their authority and speak up with maximum confidence. The violence surrounding sexual assault and rape cases has severely weakened women's power and confidence in society. Males have dominated our male-dominated country with their physical strength, even though they recognize that they will lose the war if they can complete the woman with her willpower and intellect.

Teaching self-defense strategies to girls and women from a young age can empower them to protect themselves and others in potentially dangerous situations.

Providing such training can enhance their confidence and ability to respond effectively to threats.

As for mandatory military training for all citizens, it's worth noting that this approach varies widely across different countries and cultures. While some nations do implement compulsory military service, others rely on voluntary enlistment. The decision to implement mandatory military training involves complex considerations, including the purpose, logistics, and potential impacts on individuals' lives and freedoms.

Ultimately, any initiative aimed at enhancing personal safety and societal security should be carefully evaluated, taking into account cultural, ethical, and practical factors, and considering the preferences and rights of individuals.

Reservations are not a means of women's empowerment. Instead, the reservation word categorizes women as the weaker members of society, demonstrating politicians' unrealistic diplomacy in assembling their vote bank. Reservations for women are being allocated based on tax slabs in income tax deductions, which is not a healthy indicator for a growing country. Women are speaking up a lot about equality these days. On the other hand, women are having a hard time finding a voice to call for the reservation law to be abolished. Even if the race is falsely won, everyone wants to make the most of their opportunity. Reservation is another form of gender inequality in society.

To be more specific, women must first recognise their positives and negatives to develop a confident view. The more they can examine their genuine failings, the more they will work on them and find a way to overcome their current situation. Nobody can address the current situation and help the Indian lady in reality if she attempts to find a back door entry to exit the scene easily and familiarly instead of facing reality in the face. Instead of cribbing for reservation and empowerment for women, it is past time for women to seek within themselves, nurture themselves with positive attributes, and fight back against the evils in society.

To achieve women's empowerment in Indian society, the patriarchal and male-dominated societal system must be understood and eliminated as the root reasons for oppressive behaviours against women. It must be open-minded and adjust its attitude toward women and the constitutional and other legal provisions.



Figure 3

There are several legislations in India that have been enacted to empower and protect the rights of women. Here are a few examples:

- **Protection of Women from Domestic Violence Act, 2005:** This law aims to provide protection to women from physical, emotional, verbal, and economic abuse within their homes and to provide them with access to remedies in cases of domestic violence.
- **Maternity Benefit Act, 1961:** This law guarantees certain benefits to women employees during and after their pregnancy, such as paid maternity leave and other related provisions to support their health and well-being.
- **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:** This legislation mandates employers to create a safe and secure environment for women at the workplace and establishes mechanisms for addressing and preventing sexual harassment.
- **Prohibition of Child Marriage Act, 2006:** This act prohibits the solemnization of child marriages and provides for penalties against those involved in arranging or conducting child marriages.
- **Dowry Prohibition Act, 1961:** This law prohibits the giving or receiving of dowry, a practice that has often led to exploitation and harassment of women.
- **Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994:** This act aims to prevent the misuse of technology for sex-selective abortions, which has contributed to the skewed sex ratio in India.
- **Equal Remuneration Act, 1976:** This legislation ensures equal pay for equal work and prevents discrimination against women in matters of employment and wages.
- **Prohibition of Child Labour Act, 1986:** While not exclusive to women, this act helps protect children, including girl children, from exploitation and hazardous work conditions.

These legislations, among others, play a crucial role in addressing various aspects of women's empowerment, rights, and protection in India.

III. CONCLUSION

In conclusion, the journey towards women's empowerment in India is one that demands a transformative shift in societal attitudes, norms, and systems. Despite commendable initiatives by the government and various organizations, the persistence of patriarchy and deeply ingrained beliefs presents formidable challenges. However, the realization that women's empowerment is not just a matter of equality but a cornerstone of societal progress is gaining momentum.

Education emerges as a powerful tool, offering women the means to challenge stereotypes, access better opportunities, and contribute to their families and communities. But empowerment encompasses more than education alone. It involves dismantling barriers that prevent women from participating fully in various spheres of life, from education and employment to politics and decision-making.

The critical need to address issues of safety and respect cannot be overstated. Creating an environment that values and upholds women's dignity, free from harassment and violence, is fundamental. Likewise, the redefinition of masculinity to embrace equality and empathy is imperative.

Ultimately, achieving women's empowerment is not just a goal, but a responsibility shared by all. As India strides toward progress in technology and innovation, it must parallelly advance in social consciousness. Recognizing women's rights as human rights and advocating for their empowerment is the path to a more equitable and prosperous nation. Only when women are empowered to move freely and without fear can we truly claim to have achieved holistic development. The journey is complex, but it is one that holds the promise of transforming India into a society that celebrates diversity, justice, and the potential of every individual, regardless of gender.

REFERENCE

- [1] Agnes, Flavia Law and Gender Inequality: The Politics of Women's Rights in India, OUP, New Delhi, 127-128 (1999); www.anna.iwate-pu.ac.jp
- [2] Basu, Durga Das. Introduction to the Constitution of India (10th Edition). South Asia Books.
- [3] Donnelly, Jack 2003 University Human Rights in Theory and Practice. Ithaca: Cornell University Press.
- [4] Empowerment-Theory and Practice, 2001, Ida Studies No. 3. Novum Grafiska AB:Stockholm
- [5] Ganguly D.K. Law Relating to Protection of Human Rights and Violation of Human Rights Problem (2nd Edition). Dwivedi Law Agency
- [6] Kabeer, Naila. "Reflections on the Measurement of Women's Empowerment." In *Discussing Women's*
- [7] Nickel, J. (2003) Human Rights, *The Stanford Encyclopedia of Philosophy* [On-line Encyclopedia edited by E. N. Zalta].
- [8] Sivaramayya B., Status of Women and Social Change, *Journal of Indian Law Institute*, 25,270 (1983)
- [9] Srinivasan, P. & Lee, G.R. (2004) *The Dowry system in northern India: women's attitude and social change*. Available at <http://www.jstor.org/stable/3600328> (accessed on 11-03-2010)

E-Reference

- [10] https://en.wikipedia.org/wiki/Human_rights
- [11] <http://www.solidaritycenter.org/struggling-for-human-rights-acheiving-womens-empowerment/>
- [12] https://globaljournals.org/GJHSS_Volume13/2-Womens-Empowerment-Concept.pdf

