

**RESEARCH PAPER****An Overview on Rights and Challenges of Women in Indian Society****Anu Rastogi**

Department of Sociology, R.G. (P.G.) College, Meerut

Email: [dranurastogi11@gmail.com](mailto:dranurastogi11@gmail.com)Received: 9<sup>th</sup> March 2019, Revised: 26<sup>th</sup> March 2019, Accepted: 30<sup>th</sup> March 2019**ABSTRACT**

*Discrimination against women is not a phenomenon restricted only to develop or underdeveloped countries. It is prevalent in the developed countries as well as in different forms. Some groups of women face discrimination based on their age, nationality, religion, ethnicity, disability and socioeconomic status, marital status, health status, education etc. For centuries women in India have been socially and economically handicapped. They have been deprived of equal participation in the socio-economic activities of the nation. But gradually and steadily the position is improving. India is a signatory to the Universal Declaration of Human Rights 1948. Considering rising atrocities and discrimination against women, the United Nations Commission on the Status of Women (CSW) prepared 'The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)'. The CEDAW is a landmark treaty marking the struggle for women's rights. It spells out what constitutes discrimination against women and propagates strategies based on non-discriminatory model. CEDAW is a comprehensive statement of International Standards with regard to protection of women from violence. India has ratified this convention of element all forms of violence against women.*

**INTRODUCTION**

The Constitution of India endorses the state obligation to eliminate discrimination against women. The Constitution of India in its Preamble- the principle of gender equality, justice and dignity of individual, as well as fundamental rights, fundamental duties and directive principles of state policy. Some special provisions have been provided for protection of women in the Constitution:

1. Article 14 states that the state cannot deny any person equality before the law or the equal protection of laws within the territory of India
2. Article 15(3) provides for making special provisions for women and children. It recognizes women as a class by itself and permits enactment of laws and reservation favoring them.
3. Article 19 (1) (a) guarantees freedom of speech and expression to all citizens so women can raise their voice against the injustices.
4. Article 19 (1) (g) ensures freedom to all citizens for occupation, profession and business providing women an opportunity to work.
5. Article 21 provides right to life and liberty giving women the right to live life as per her own choice and personal liberty
6. Article 23 protects against human trafficking and bonded labor ensuring women's safety and their right to work.
7. Several other articles in our Constitution make express provision for affirmative action in favor of women. Article 39 (a) provides the right to an adequate means to livelihood to men or women equally.
8. Article 39 (d) provides for equal pay for equal work irrespective of gender.
9. Article 42 states that state shall make provision for securing just and human conditions of work and for maternity relief.
10. All these provisions are protected under Articles 32 and Article 226 to file writ petition in the courts seeking remedy in case of violation.

Thus, we see that the constitutional vision of gender justice is beautifully expressed in the articles above.

Apart from the constitutional provisions a number of legislations have also been passed to protect women's human rights. Some of them are : Child Marriage Restraint Act 1976, Equal Remuneration Act 1976, Dowry Prohibition Act 1961, Immoral Traffic (prevention) Act 1956, Indecent Representation of Women (prohibition) Act 1986, Commission of Sati (prevention) Act 1987, Medical Termination of Pregnancy Act 1971, National Commission for Women Act 1990, Prenatal Diagnostic Technique Regulation and Prevention of Misuse Act 1992, Protections from Domestic Violence Act 2005, Supreme court's direction to prevent the sexual harassment of women at workplace etc. these provisions clearly affirms women's human rights. Certain important amendments like Hindu Succession (Amendment) Act 2005 provides equal status to women in parental property. The 73<sup>rd</sup> and 74<sup>th</sup> Amendments 1993 provide for reservation of seats to women in the local bodies, thereby, improving the position of women in the society.

The setting up of The National Commission for women by the act of parliament in 1990 safeguard the legal entitlement of the women. NCW may take Suo moto notice of matters relating to deprivation of women's right and raise these issues before appropriate authorities.

## CHALLENGES TO WOMEN HUMAN RIGHTS IN INDIA

### 1. SPOUSAL ABUSE:

Domestic Violence is one of the serious issues in India in fact the major scale of violence that a woman faces in India is linked to the domesticity. The patriarchal nature of the Indian society is the main reason for domestic aggressions. Another reason is the problem of alcohol consumption by spouse or desire for endowments or male child. The domestic violence impacts the psychological, physical and social well-being of the woman. The types of spousal violence vary by region of the country.

### 2. LOW SEX RATIO:

Prof. Amartya Sen refers to low levels of sex ratio using an idiom "Missing Women." Many States of India reflects the lopsided sex ratio. The proportion of women as compared to men is suspiciously low. This further results in selling of girls to men from the states where imbalanced sex ration is prevalent.

### 3. DOWRY VIOLENCE:

According to the 1993 census. 5000 dowry deaths, including suicides were reported in 8 states and the capital. The highest were reported in Uttar Pradesh followed by Maharashtra, Andhra Pradesh, Madhya Pradesh, Bihar, Rajasthan, Karnataka, Punjab and New Delhi. 2012 data of National Crime Records Bureau in India disclosed around 8233 newly wedded brides were killed for dowry at their matrimonial home. The dowry reflects the strong influence in determining women's position within the household. Dowry deaths still persists in the remote areas of India even after the government passed Dowry Prohibition Act.

### 4. CHILD MARRIAGE:

The government passed Child Marriage Restraint (Amendment) Act was passed in 1976 which made 18 years and 21 years the minimum age of marriage for women and men but child marriage is still practiced in different parts of India. Child marriage is a vicious practice which takes away the innocence of the girl child in the years of life which are crucial for physical, emotional and psychological developments. Even today in India, a number of children are married off on the day of Akas Teej in Rajasthan.

### 5. FEMALE FOETICIDE AND INFANTICIDE:

The wish for having a son is deeply rooted in Indian patriarchal society. This phenomenon gives way to sex selective abortions or extreme malnutrition among the girl children. It is estimated that around "10 million female fetuses have been aborted in the last 20 years" in India. Although, the government passed The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act but female foeticide is widely prevalent in northern states like Haryana, Rajasthan and Punjab.

All these not only results in higher maternal mortality rate but also have adverse psychological and physical impacts on women.

#### **6. ILLITERACY:**

Education is the most important tool for the true empowerment of women. The Indian Constitution endows the right to education under article 21 which makes it compulsory for the government to provide free education to everybody. Still illiteracy is prevalent in Indian society today. The conditions for girls are even worse, the retention rate of females in the school is lower as compared to males. Women are also the to drop out as they move up to higher classes primarily because girls are expected to look after the siblings and the household chores while parents go to work, the parents also take more interest in educating the boys as it is a smart investment and girls are to be married off.

#### **7. RAPES:**

Sadly, India is one of the countries with higher number of rapes. The National Records Bureau in 2012 reported 25000 rape cases. Rapes are mostly prevalent in rural areas especially Northern India. To strictly deal with the rape cases in India, The Criminal Law (Amendment) Act 2013 was passed by the government.

#### **8. SEXUAL HARASSMENT AT WORKPLACE AND UNEQUAL PAY:**

The issue of sexual harassment is largely reported by women in India. The unequal payment is also the major issues women face in rural as well as urban areas. To curb this issue the government passed Sexual Harassment of Women at Workplace Bill 2013.

### **OVERVIEW**

In short, the goal of gender equality and women's empowerment is still Daydream for India and it can only be realized when practices like female infanticide, dowry deaths, honour killings by khap panchayats, domestic violence, or sexual abuse is eliminated from the society. The government, NGOs and the common people have to envision this goa together in order to truly bring gender equality and women empowerment.

### **REFERENCES**

1. Child Marriage Act, 2006.
2. Commission of Sati
3. Devadasi (Prohibition & Abolition of Dedication) Act.
4. Domestic Violence Act, 2005.
5. Hindu Marriage Act, 1956.
6. Hindu Succession Act, 2005.
7. Indian Penal Code, 1860.
8. Maternity Benefits Act, 1961.
9. Neelam Upadhyay & Rekha Articles, Pandey
10. Poonam Dhanda. 2012. Status of Women in India. RBSA publications. Pg. 1-14.
11. Saksena, Kiran, "Women and Politics", Gyan Publishing House, New Delhi, p.43, 2000
12. Women in India: Past and Present, volume 109.

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