

RIGHTS OF WOMEN: VIOLATIONS AND VIOLENCES

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A Right may be defined as something to which an individual has a just claim. Habhouse defines “Rights are what we expect from others and what they expect from us”. Human Rights are those that individuals have by virtue of their existence as human beings. They are the rights, one has simply because one is a human being¹. The right to life itself and the basic necessities of food, shelter, clothing, education and health may be considered fundamental human rights. These rights inherently belong to a person². It affirms his human dignity. One enjoys the human rights by birth. These rights shall be guaranteed by the Government. Everybody has the privilege to enjoy these rights, irrespective of nation or other differences³. An individual's rights when accepted by the society, they become the Human Rights. Without rights, man can't live or develop.

Rousseau, the ‘Father of Revolutions’ stated in his magnum opus, ‘The Social Contract’⁴ that man is born free and everywhere he is in chains⁵. Human Rights are now the ‘common language of humanity’. They are the rights of men and women⁶. All human beings are born free and equal in dignity and rights⁷. Even though human rights are equal to all human beings, they differ from nation to nation⁸.

Rights of women means Human Rights of women. Here women are emphasised as human being, nothing less and nothing more. Full equality between men and women shall be established. It affirms their dignity. But in practice, there are differences and disparities. It emphasizes the universality and invisibility of all Human Rights and their full application of women as human beings.⁹

The Vedas, Epics, Mausmriti, Dharmasastras and Puranas refer to the position of women and their restrictions. The Greek invasion¹⁰ and the advent of the Arabs and Turks¹¹ reduced the position of women in the society. The medieval period witnessed heart burning social evils like Sati, Child Marriage, Female Infanticide, Female Foeticide, Dowry System, Prohibition of Widow Remarriage, Devadasi System and Polygamy aggravated the pitiable, pathetic and precarious position of women in the society.¹²

In the 20th century, steps were taken to create a sort of awareness of women and providing equal opportunities to them. In this sphere, Mrs. Annie Besant, Sarojini Naidu, Durgabhai Deshmukh, Kasturba Gandhi and Sister Nivedita became prominent. Sex determination tests have lead to Female Foeticide¹³.

GLOBAL SCENARIO

Article 2 of the Universal Declaration of Human Rights speaks like this: “Everyone is entitled to all rights and freedom set forth in this declaration, without distinction of any kind, such as race, colour, sex,

language, religion, political or other opinion, national or social origin, property, birth or other status¹⁴. Thus it provided general action against discrimination on the ground of sex and in matters related to the status of women in general¹⁵.

The General Assembly of the United Nations Organization at its IX session, dealt with the status of women in private law, custom, ancient laws and practices affecting the human dignity of women¹⁶. It is clear that the world community is always aware of the rights of women.

Article 26 of the International Covenant of Civil and Political Rights provides that all persons are equal before the law. All are entitled to the equal protection of the law of the land. Here, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination and guarantee to all persons equal and effective protection against discrimination in the name of race, sex, colour, religion, language, to political or other opinion, national or social origin, property, birth or other status¹⁷.

The Economic and Social Council established a sub-commission on the status of women. The Council in its resolution 48(iv) defined the functions of the Commission. Its function includes promoting women's rights in civil, political, economic, social and educational fields. It will also make recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights with the object of implementing the principle that men and women shall have equal rights¹⁸.

The International Women's Year was a call to men and women everywhere to government and non-government organizations to exert every effort to promote equality of men and women, the integration of women in

the development of their countries and the strengthening of world peace. The decade of women”²⁰, denoted to the world plan of action to ensure their equality in society. Women are entitled to vote in elections, eligible for election to all public elected bodies and entitled to hold public office and exercise all public functions on equal terms with men. The declaration of 1974 adopted by the General Assembly of the UNO provides for the protection of women and children in emergency and armed conflicts²¹.

INDIAN CONTEXT

In India the women are not allowed to enjoy the rights due to male chauvinism. Despite the growth of education and other notable changes that had taken place in the society, Indian women are still in darkness. The Sati Prevention Act was passed in 1829 during the time of Lord William Bentinck,²² which prohibited the custom of burning Hindu widow alive in the funeral pyre of her husband. But, unfortunately this evil practice is still in vogue among some orthodox Hindus. The government of India enacted Sati Prevention Act in 1987 to put an end to this crime. During the British regime, Child Marriage Restraint Act was passed Act was passed in 1929 to prevent the early marriage of girls in tender age, but the practice of Child Marriage still persists in India”²³.

Indian constitution contains a lot of measures to ensure the rights of women. Article 38 provides for the welfare of women in matters relating to justice political, social and economic. Article 39 provides the citizens, men and women equally have the right to an adequate means of livelihood. It insists for equal pay for equal work for both men and women. The Hindu Marriage Act’ of 1955, for the first time had brought the right of divorce of women folk. This Act also provides that a second marriage during life time of first wife is illegal. Under this act, a women is eligible to get maintenance

permanently till she enters into remarriage. The right of widow remarriage is also provided in this Act²⁴.

Dowry Prohibition Act of 1961 prohibits giving dowry or taking dowry in casts or any form. Amendment was made in section 304-B of IPC by the Act 43 of 1986. The Hindu Succession Act of 1956 recognised the windows rights to property. Muslim Women Protection of Rights on Divorce Act of 1986 provides a muslim divorcee to claim maintenance only for Iddat period three months after pronouncing Talaque²⁵.

The Hindu Succession Act of 1956, recognized the right of Hindu daughters' property right. This Act also paved the way for a Hindu widow to become the sole owner of the property left by her deceased husband. Muslim Law also provides wife and daughter, the right to own property and inherit the share of husband's as well as father's property. Despite, plenty of clauses in the constitution and legal measures, it has become routine news in the dailies and magazines that women undergo a number of problems due to the crimes committed against them in one way or other. Male chauvinism still prevails in the society. Illiteracy is the main reason for all these misdeeds. Even after 65 years of Indian independence and even after 64 years of Universal Declaration of Human Rights, it is really unfortunate that women folk are still treated as sex lust for males²⁶.

VIOLATIONS

The problems faced by women are multifarious. It is the pressing need of the hour to find solutions to their problems. Some of the problems at the top level are Female Infanticide, Female foeticide Child Marriage, Compulsory Marriage, Dowry and Dowry Deaths, Sex Harassment, Rape, Bonded Labour, Poverty, Illiteracy, Illtreatment, Wage Disparities, Child Labour, Police Atrocities, Slavery, Orphans, Neglected Women,

Subordination of Women at Home and Outside, Torture, Murder, and the like²⁷.

In Indian States like Bihar, Gujarat, Uttar Pradesh, Madhya Pradesh, Maharashtra Tamil Nadu Female Infanticide is high. A Special Female Infanticide Act by which criminal action against both the parents, who kill their new born female child may be taken. Child Marriage and Compulsory and Conditional Marriage are quite common. Child Marriage Restraint Act and Sharda Act did much to solve this problem. This customary habits is still lingering in Rajasthan and Tamil Nadu, particularly in Chidambaram region. Even Sati is still prevalent in Rajasthan and many other cases are reported in the papers. Devadasi System is still practiced in certain Districts of Karnataka and Maharashtra, 80% of whom turn to prostitution²⁸.

Raping and group raping are also quite common in most parts of the world because women are considered as weaker section in the society. Police torture on women is another violation, in the form of electric shock and burning the skin with cigars, etc. Dowry is yet another problem. Taking or giving dowry or abetting to give dowry or abetting to take dowry continue to be offences. The Dowry Prevention Act of 1961 is a milestone in the context²⁹.

VIOLENCES

Violence affects the lives of millions of women worldwide. It takes a dismaying variety of forms, from domestic abuse and rape to child marriage and female circumcision. Violence against women is a universal problem that must be universally condemned”, according to Boutros Ghali, Secretary General of the UNO who made this statement in the IV World Conference on Women in Beijing on September 1995. He quoted that 17% to 38% women have suffered physical assaults by a partner in 10 countries. It is the

violation of basic Human Rights and is an obstacle to the achievement of the objective of equality, development and peace'³⁰.

Female targeted violences are alarming and getting global dimensions. These were not explicitly acknowledged by the international community until December 1993, when the United Nations General Assembly adopted the Declaration on the Elimination of Violence Against Women. Until this declaration, violence against women was largely treated as a private matter between individual and not a pervasive human rights problem requiring state intervention. In view of alarming growth of violence against women throughout the world, the Commission on Human Rights adopted the resolution, 1994/45 on 4th March 1994.

Women are victims of incest rape and domestic violence that often lead to trauma, physical handicap or death. The Declaration on the Elimination of Violence Against Women is the first international human rights instrument to exclusively and explicitly address the issue of violence against women. It affirms that the phenomenon violates, impairs or nullifies Women's Human Rights and their exercise of fundamental freedom. Gender based abuse mean "any act of gender-based violence that results in or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. This explanation completed in article 2 of the declaration³¹.

Here three areas are identified

- 1) Physical, sexual and psychological violence's. They occur in the family, including battering sexual abuse of female children in the household; dowry related violence; marital rape. Female genital

mutilation and other traditional practices harmful to women; non-spousal violence; and violence related to exploitation.

- 2) Physical, sexual and psychological violence that occurs within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere; trafficking in women; and forced prostitution and
- 3) Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.

The United Nations Organization emphasized the violence against women through several expert group meetings. As a result of that in September 1992, the United Nations Commission on the Status of Women and on 3rd 1993 UN Commission for Human Rights condemned all forms of violence and violation of Human Rights directed specially against women. The World Conference on Human Right held in Vienna in June 1993 laid extensive ground work for eliminating violence against women.

Violence against women in the family occurs in the development and developing countries alike. It has been considered a private matter by bystanders including neighbours, the community and government, but become public tragedies. In the USA, a woman is beaten every 18 minutes. Most affected are the reproductive age women. In Pakistan, domestic dispute is high. “There is no excuse for such a behavior. Many States have recognized the importance of protecting victims of domestic abuse and taking action to punish perpetrators. Legislation shall be strong for the prosecution of the offender. It also stresses the importance of specialized training for law enforcement authorities as well as medical and legal professionals, and of the establishment of community support services for victims, including access to information and shelters.

Many women fall victim to traditional practices that violates their Human Rights. According to WHO, 8.5 crores to 11.5 crores girls and women have undergone some form of female genital mutilation, every year? It is about 2 million, mostly Africa and Asia. So, preference affects women in many countries, particularly in Asia. Its consequence can be anything from foetal or female infanticide to neglect of girl child. In China and India, some women choose to terminate their pregnancies when expected daughters but carry their pregnancies to term when expecting sons. In India, genetic testing for sex selection has become a booming business earlier. But strict legal measures at present. Like that Dowry violated violence, early marriage, rape, sexual assault within marriage, sexual harassment prostitution and trafficking and violence against migrant women workers are quiet common. These shall be eradicated by stringent legal measures. In Kerala, also such abuses were quite causes in the 19th century and still continues in the other form.

NOTES

1. Sivagami Paramasivam, Human Rights-A Study, Sriram Computer Prints & Offset Salem, 1998, p-4.
2. Ibid, p.1.
3. Gastleberg, F. Natural Law and Human Rights, Inter-Science Publishers, New York, 1968, p.12.
4. K.Rajayyan, History in Theory and Method, Raj Publishers, Madurai, 1982, p-5.
5. T.S.Ramalingam, History of Europe, 1789 to the Present Day, TSR Publications, Madurai, 1962, p.5

6. J, Albaris, Religious Rights Today, The Media and Human Rights Value Education, Department of History, H.H. the Raja's College, Pudukottai, 2006, p.166.
7. Rahul Raj, Human Rights- UN Initiatives, Indian Institute of Human Rights, New Delhi, 2000, p.1.
8. J.Albaris, Human Rights in Christianity, Proceedings of the ICHR Sponsored Seminar on Human Rights in Various Religions, 29th and 30th March 2007, PC., & Research, Dept. of History, Aringar Ann Govt. Arts College, Attur, P.1.
9. Sivgami Paramasivam, op.cit;p.88.
10. The Greek Invasion occurred in the year 323 BC.
11. The Arabs and Turks came to India in the 11th and 12th centuries.
12. Sivagami Paramasivam, op.cit; p.88.
13. Ibid.
14. Article 2, Universal Declaration of Human Rights.
15. Sivagami Paramasivam, op. cit; p.89.
16. Ibid.
17. Article 2, International Covenant on Civil and Political Rights.
18. Sivagami Paramasivam, op. cit; p.89.
19. The Internationa Women's Year was celebrated in the year 1975.
20. The Decade of women was celebrated from 1975 to 1985.
21. Sivagami Paramasivam, op. cit;
22. Lord William Benlinck was the Governor General of India from 1828 to 1835.

23. Sivagami Paramasivam; op. cit; p.90.
24. Ibid.
25. Paras S.Diwan, Modem Hindu Law, Allahabad Law Agency
534034, 1994.
26. Sivagami Paramasivam, op. cit; p.92
27. The Times of india, June 1993, 28
28. Ibid, pp.95-97.
29. Rahul Rai, op. cit; p.254.
30. Ibid, pp.256-257.
31. Ibid, pp.257-258.
32. Ibid, pp.258-260.
33. Ibid, pp.260-264.