

# Assessment of the Rights of an Indian Woman -the Right to Life and Dignity: An Overview

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## Introduction

The paper attempts to deal with the concept of women's rights in India today with broader emphasis on their right to life and dignity which is the cornerstone of a fundamental right. The main theme of this paper is to highlight the plight of women in India by taking into account the real life instances and evaluating it between the time period of 2009-2015 respectively and the data for which was collected from surveys, newspapers and journals. Much of the analysis was done with the help of newspapers like 'The Hindu', articles from India Today and data accumulated from National Crime Records Bureau.

The major aim of this paper is to sensitize the reader about the current happenings in the country with facts and figure that would offer a backbone to the above argument, and the research result also represents an eye opening data.

## Review of Literature

The Universal Declaration of Human Rights states some basic rights and fundamental freedoms to which all human beings are entitled to, there are 30 declarations of human rights, here stating Article 2 wherein "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty".

Something similar to this declaration can be found in article 15(2) of the Indian Constitution which elaborates "that no Indian citizen can be discriminated against on basis of religion, race, caste, sex, place of birth. It states that no citizen shall be denied access to shops, public restaurants, hotels and places of public entertainment."

The paper concisely attempts to study 4 key areas that challenge the rights of women and analyze the data for the same.

The World Health Organization (WHO) that defines sexual violence as: 'Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work'.

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## 1. Rape

The life of a woman and a child is precious , but the increase in rape cases today makes one question the quintessence of Human rights. One can say that the reason of this rise in rape cases remains ambiguous since there are several underlying factors associated with it given the fact that 94% of the offenders are known to the family, and in order to hide the public shaming in most cases the family members discourage the victim to report a case. Another issue which is a humongous problem in India is illegal child labor. As stated by 'THE HINDU 'on April 12 , 2019 that a 12 year old girl brought from a remote village in Jharkhand was abused and victimized by a couple living in Vikaspuri, where she was often beaten by the owner and deprived of food and care, thus a step was taken by The Delhi Commission for Women who rescued her after finding her in a traumatized state.

It is heart-wrenching to find out that the country and the government is doing nothing for the illegal child labor persistent in so many households, despite of the Child Labor (Prohibition and Regulation) Act, 1986, amended in 2016 where a "Child" is defined as any person below the age of 15, and the CLPR Act prohibits employment of a "Child" in any employment including as a domestic help and which also declares such an act as a cognizable criminal offence. The problem here lies in the implementation of the act and the state machinery such as the police who are not consistent in their work and often do not report such incidents.

## 2. Dowry Death

The Indian criminal laws were comprehensively amended to include dowry as a punishable offence. Section 304B was added to the Indian Penal Code, 1860 ("IPC"), which made dowry death a specific offence punishable with a minimum sentence of imprisonment for 7 years and a maximum imprisonment for life. According to the Times Of India dated on April 2, 2019, it stated there was a news regarding the starvation death of a 27-year-old woman from Kerala. The postmortem revealed that the, woman was reduced to a bag of bones and weighed a mere twenty kgs. The in-laws admitted to having fed her only rice and sugar soaked in water. The girl's family alleged that this was because their dowry demand of rupees 2 lakhs was not met.

As per by the Press Information Bureau, The highest number of dowry deaths during the last three years consecutively have been reported from the state of Uttar Pradesh followed by Bihar. As per the National Crime Records Bureau (NCRB) data, Uttar Pradesh reported 2244 dowry deaths(Sec 304 B of IPC) in 2012, 2335 dowry deaths in 2013 & 2469 dowry deaths in 2014(Provisional) which is the highest in the country for that year.

## 3. Women Trafficking

The definition of trafficking can be found in the various sections of ITPA, Immoral Traffic (Prevention) Act 1956. Section 5 speaks about" procuring, taking and even inducing a person for the sake of prostitution". According to this section, even attempt to procure and attempt to take or cause a person to carry on prostitution amounts to trafficking. Therefore 'trafficking' has been given a broad scope. As per National Crime Records Bureau (NCRB) data, the number of cases registered under Immoral Traffic Prevention Act (ITPA), 1956 in 2010, 2011 and 2012 are 2,499; 2,435 and 2,563



respectively. According to the Press Information Bureau, The Ministry of Women and Child Development is also implementing “Ujjawala” – a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation, Re-integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation. As on date, 238 projects including 126 Protective and Rehabilitative Homes have been supported under the Scheme. These rehabilitative centers are given financial support for providing shelter and basic amenities such as food, clothing, medical care, legal aid, education in the case the victims are children, as well as for undertaking vocational training and income generation activities to provide the victims with alternate livelihood option.

#### 4. Domestic Violence

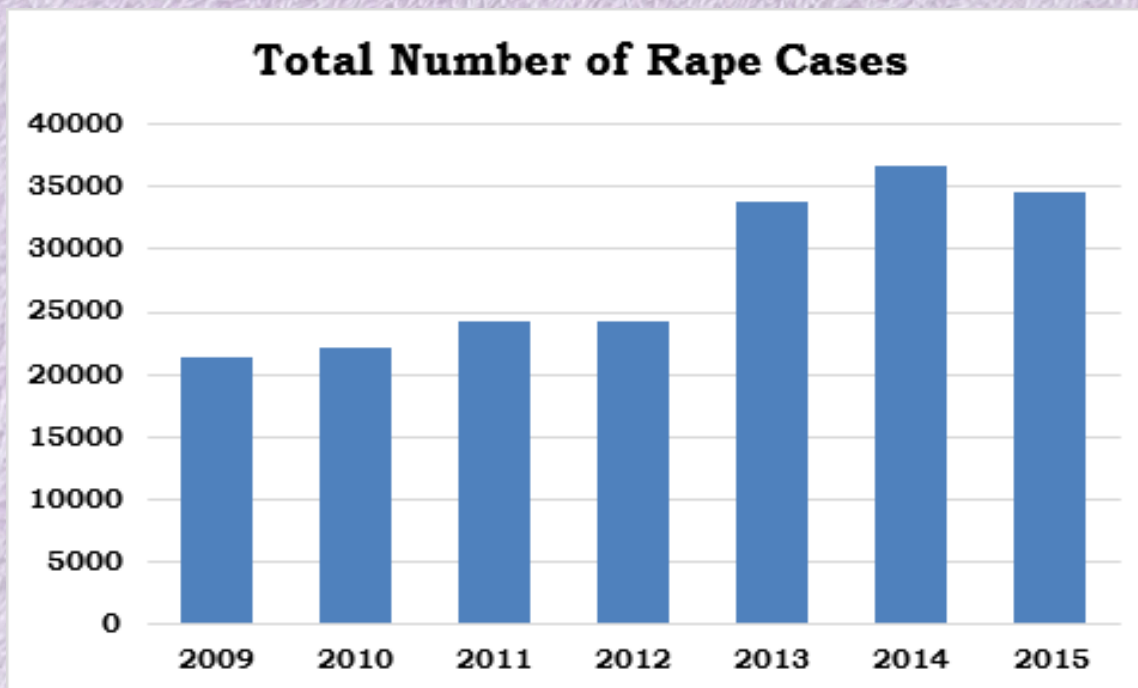
Domestic violence ,defined by the Protection of Women from Domestic Violence Act 2005 as "physical, sexual, verbal, emotional, and economic abuse against women by a partner or family member residing in a joint family", plagues the lives of many women in India.

According to the study conducted by National centre for Biotechnology information ,USA the study estimates that 4 in 10 Indian women (when surveyed about multiple forms of abuse) report experiencing domestic violence in their lifetime and 3 in 10 report experiencing domestic violence in the past year. In addition to highlighting the high domestic violence frequency of occurrence, the studies in this review also emphasized on the trauma faced by Indian women through its impact on mental, physical, sexual, and reproductive health.

#### Methodology

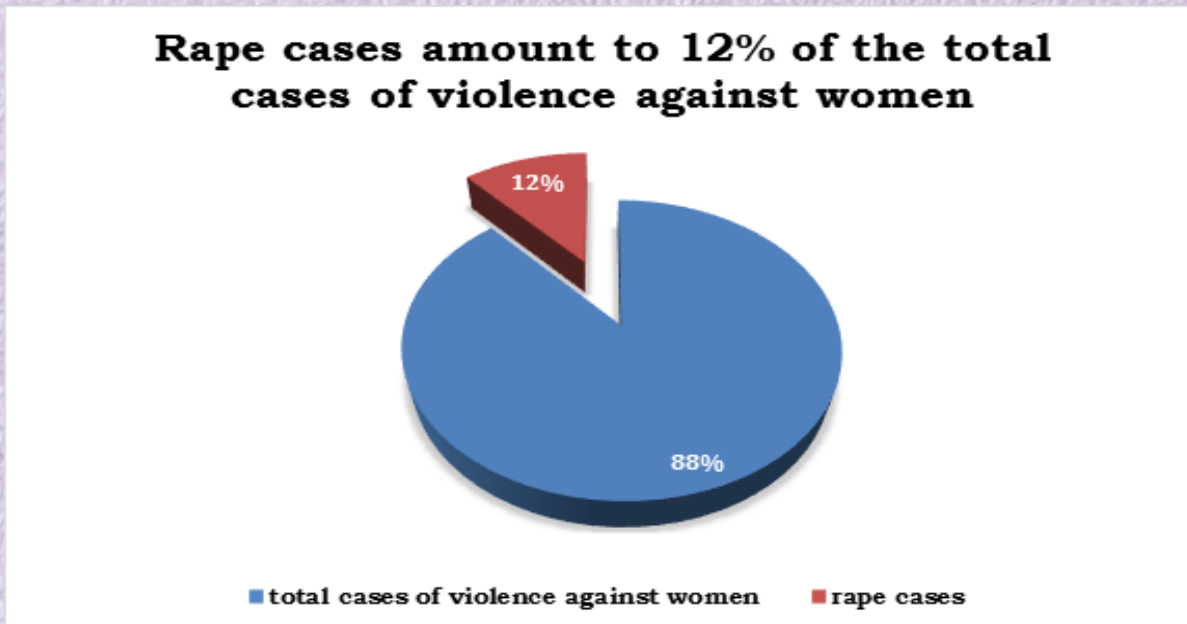
The method employed for the collection of data was through newspapers articles as mentioned earlier like The Times of India, The Hindu. Statistics were also taken from press information bureau government of India, and the National Crime Records Bureau.

#### Findings / Results

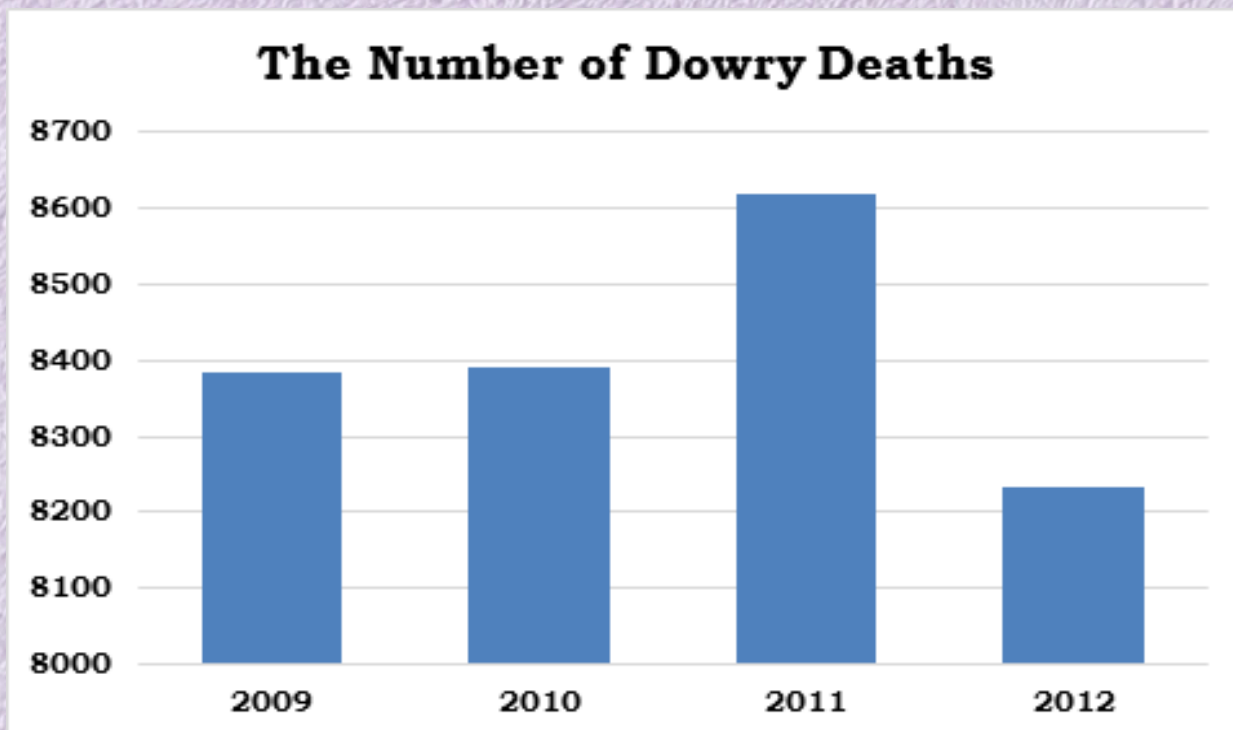




The above chart was made by accumulating data from the National Crime Records Bureau. The chart shows that there has been an increase in the number of rape cases with the subsequent year that is from 2009-2015. While also noting the fact that Feminists in India have engaged with law and have been successful in the context of laws relating to violence against women, through the 1980's women demanded legislations of various kinds which even proved to be successful and their efforts were able to bring considerable amount of change example being Sati and Dowry. Even Ratna Kapur in her book *Feminist Terrains in Legal Domains* remarks that recognizing women's experiences in different areas can help deconstruct the hegemonic nature of law.



(According to the Times of India report)

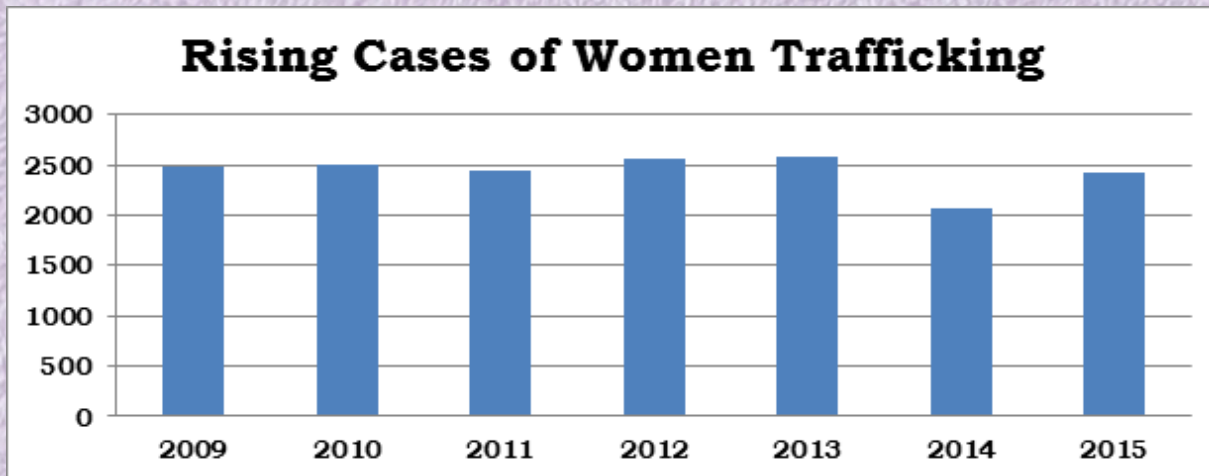




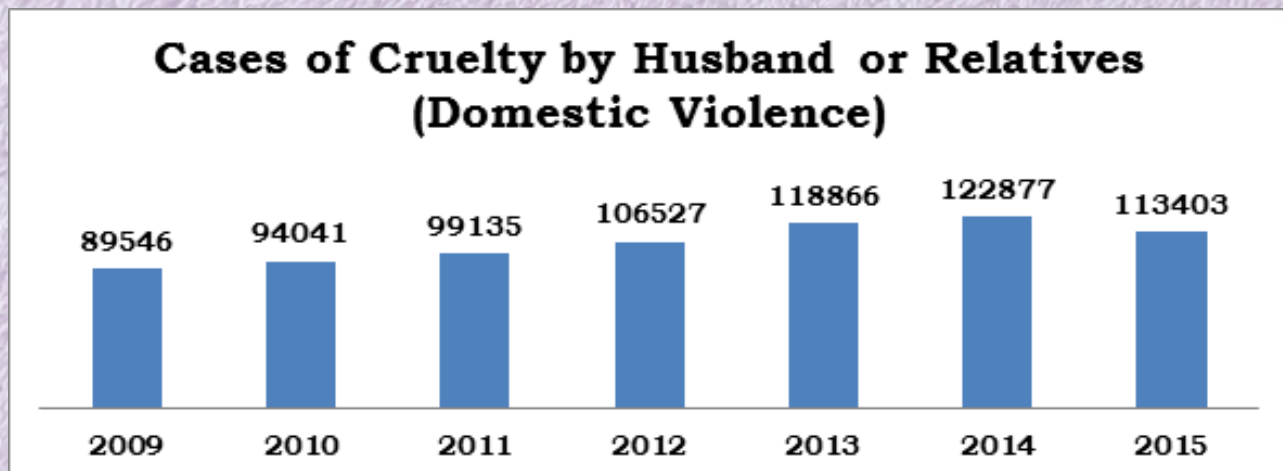
Dowry deaths rose from about 19 per day in 2001 to 21 per day in 2016. While these statistics are worrying, there is a great deal of variation in the incidence of “dowry deaths” across regions and over time.

It is indeed alarming that the rise in dowry deaths is unabated despite greater stringency of anti-dowry laws. In 1961, the Dowry Prohibition Act made giving and taking of dowry, its abetment or the demand for it an offence punishable with imprisonment and fine or without the latter. (Edlund, 2006)

The above chart was made by accumulating data from the National Crime Records Bureau. Here there were 8172,8383,8391,8618 and 8233 dowry deaths reported in 2008, 2009, 2010, 2011 and 2012 respectively. One can clearly see a rise in the number of dowry deaths in 2011.



The above chart was made by accumulating data from the National Crime Records Bureau. One can note that there has been a steady increase in the case of women trafficking though in 2014 there has been a slight decrease. There were 2474,2499,2435,2563,2579,2070 and 2424 cases of women trafficking in 2009,2010,2011,2012,2013,2014 and 2015 respectively. In the 'HINDU' dated 10 February 2020, the NCRB report states that "Only 82 trafficking survivors have been awarded relief in the last 8 years "(which is a very recent report of the current state of the country)





The above chart was made by accumulating data from the National Crime Records Bureau, and Press Information Bureau. One can see an increasing trend in the number of cases against women meted out by their husbands or relatives. There were 89546, 94041, 99135, 106527, 118866, 122877 and 113403 cases in 2009, 2010, 2011, 2012, 2013, 2014 and 2015 respectively. The highest was seen in 2014.

## **Discussion**

### *Human rights in the ancient world*

It was the Magna Carta (1215 AD) issued by King John of England was one of the earliest document on human rights. Later came the two major revolutions that occurred during the 18th century, in the United States (1776) and in France (1789), leading to the adoption of the United States Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen respectively

### *In the contemporary era*

It was in the contemporary era that the provisions of the United Nations Charter provided a basis for the development of international human rights protection. The preamble of the charter provides that the members "reaffirm faith in fundamental human rights, in the equal rights of men and women".

According to the International Journal of Legal Information, "Socialism has proved that genuine, not illusory, individual freedom can be achieved only if society and the State consistently carry out a series of wide ranging measures. It is not enough to proclaim freedom. What is vital is to provide conditions in which all can exercise it."

The UDHR covers two broad sets of rights, one known as Civil and Political Rights, and the other known as Economic, Social and Cultural Rights and that both sets of rights must be protected as the "foundation of freedom, justice and peace in the world." It is the responsibility of governments to protect the human rights proclaimed by the declaration thus under the provisions of Civil and Political Rights, all governments are to protect the life, liberty and security of their citizens, should guarantee that no-one is enslaved and that no-one is subjected to arbitrary arrest and detention or to torture, where everyone is entitled to a fair trial.

On the other hand under Economic, Social and Cultural Rights, all governments are expected to try progressively to improve the living conditions of their citizens.

## **Conclusion**

The above findings indicate an exponential increase in the incidences of rape, number of dowry deaths, women and child trafficking and domestic violence,(which are some of the parameters taken to evaluate women's right to life and dignity in India that this paper concisely deals with), which clearly represents that the state might offer rights for safety and dignity of women but in the ultimate analysis most of the times, there is a loophole in its practicality that makes one question the rights that are granted to the women of this country since with such increasing crimes meted out against women how can they have right to life and dignity also keeping in mind that India was not only a statutory body to the UDHR,1948 but even signed and ratified it, which makes it legally binding to provide equal rights to even women , and which can



also be viewed in the above arguments that Article 15 of the Indian constitution is very similar to Article 2 of the UDHR, owing to the fact that the Indian constitution was much influenced by the UDHR. At the same time to also note the fact, that there are sometimes unambiguous factors underlying cases that challenge women's right to life and dignity for instance, the United Nations has a long history of addressing women's human rights and much progress has been made in securing women's rights across the world in recent decades. However, important gaps remain and women's realities are constantly changing, with new manifestations of discrimination against them regularly emerging. Some groups of women face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socioeconomic status, among other grounds. These intersecting forms of discrimination must be taken into account when developing measures and responses to combat discrimination against women.

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