

## STRENGTHS OF WOMEN AND HUMAN RIGHTS

**Dr. Sunil K.Mishra**

Associate Professor,

Amity School of Liberal Arts, *Amity University Haryana,*  
*Gurugram.*

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### ABSTRACT

*In India, women have had a token of reverence since times immemorial. Due to social changes, their status, role and reverence have got molded. At one time, women were venerated like a Goddess, a source of strength to father, husband and son in the society. They were happy - having nothing they hath all. But now there is a drastic change in women's status in the name of rights and justice. The new concept of social-globalization tries to give different dimensions to women's identity. In this article the attempt has been made to give an overview of what the forces of globalization have in store for the women of India and how far are these successful in redefining status of women.*

**Keywords:** *Status of Women, Society, Human rights, Globalization.*

### 1. INTRODUCTION

India is a democratic republic with the second largest population (of women as well) in the world. The status of women in India has been a chequered one as it has seen many ups and downs. In the VEDIC Age 1500-1000 BC, they were worshipped as goddesses. In the Muslim age 1026-1756 AD their status suffered a sharp decline and in the British regime they were looked down upon as 'slaves of slaves' (Sachdeva 1998, p285). In the present society, women in India have established their identity and made progress in the fields of education, health and economics as a result of democratic governance, evolution of technology and strengthening of the idea of egalitarianism in the society. Feminism is a critical social movement that challenges, and ultimately aims to breakdown, the patriarchal structures of a society. It means different things to different people at different times and has many overlaps, for example the suffrage movement and right to inheritance have been central themes at different times. Women have been identified as key agents of sustainable development since times immemorial and women's equality and empowerment are seen as central to a more holistic approach towards establishing new patterns and processes of sustainable development.

### 2. HUMAN RIGHTS

Human rights are fundamental rights everyone has by virtue of being human. They are inherent and inalienable in every person regardless of their status in any society. Human rights cannot be granted or withdrawn or taken away. In the introduction to the Universal Declaration of Human Rights(UDHR) in 1948, it is proclaimed as:... *a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the people of Member States themselves and among the peoples of territories under their jurisdiction.* (UDHR: proclamation)

#### 1.1 HUMAN RIGHTS AND WOMEN

It will be worthwhile to discuss, once more, what human rights are? The political scientist Alison Brysk, in the introduction to her edited volume *Globalization and Human Rights* (2002: p.3) expresses the legal approach to human rights:

Human rights are a set of universal claims to safeguard human dignity from illegitimate coercion, typically enacted by state agents. These norms are codified in a widely endorsed set of international undertakings: the 'International Bill of Human Rights' (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Covenant on Social and Economic Rights); phenomenon-specific treaties on war crimes (Geneva Conventions), genocide, and torture; and protections for vulnerable groups such as the UN Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women.

Donnelly (2003: p10) analytically explains the essence of *Human* rights as *equal* rights: one either is or is not a human being, and therefore has the same human rights as everyone else (or none at all). They are also

*inalienable* rights: one cannot stop being human, no matter how badly one behaves or how barbarously one is treated. And they are *universal* rights, in the sense that today we consider all members of the species *Homo sapiens* “human beings,” and thus holders of human rights. The above definition of human rights places the women in the same category as any other person and unmistakably attributes the equitable dignity and rights at their disposal.

## 2.2 SOCIAL ISSUES AND WOMEN EMPOWERMENT IN INDIA

In India also, women need to be encouraged and empowered in personal, familial, economic and political fronts. Changes based on verbal persuasion, affective status and modeling behavior can lead to significant changes and redefine the status of women. Though it is debatable but we can consider Kabeer’s (2001) definition: “The expansion in people’s ability to make strategic life choices in a context where this ability was previously denied to them” as relevant. The efforts of the Indian state in the direction of achieving the ideals of human rights are definitely encouraging but at the same time, it cannot be denied that they have not been responsive enough to the specific demands of the Indian situation. Every time a problem concerning women catches limelight, it is treated as a single issue, a kind of tumor, which can be surgically removed. Never ever, an attempt is made to seek the support of the community itself to dig the roots of the problem.

## 3. PATRIARCHAL SOCIETY AND WOMEN

Despite the longstanding and vigorous women’s movement, patriarchy remains deeply entrenched in India, influencing the fiber of its political and social infrastructure and determining the opportunities available to women and men. The negotiation and conflict between patriarchy and the women’s movement are central to the improvement of the status of the women in society. This is important to create socially significant knowledge that can be used by the feminist movement to work towards social change, a desire that is shared by many academic feminists: *Our desire to do, and goal in doing research, is to create useful knowledge, knowledge which can be used by ourselves and others to ‘make a difference’* (Kelly et al., 1994 pg. 28) There are some rights reserved for women but the problem is of their execution in a proper fashion. Despite the initiatives made at the level of the UN, there is also a critical and pessimistic stance towards the role of human rights in women’s lives. *There are now about two dozen significant international instruments purporting to protect the rights of women or remedy-based inequalities. But rights mean little without corresponding remedies, and remedies are unlikely without institutions.* (Fellmeth, 2000 pg. 727). Different ideologies produce different meanings of what human rights are, to the extent that ‘... *the rhetoric of human rights is really a description of ideals – and a controversial set of ideals at that*’ (Heard, 2001 pg. 1). The modern conception of *human rights* is of ‘... *international moral and legal norms that aspire to protect all people everywhere from severe political, legal, and social abuses*’ (Nickel, 2003). A simple example of patriarchy conflicting with the women’s rights is right to inheritance in North India. Though women are entitled to equal share in the property but the women are so brain washed that hardly any dares to even think of claiming their legitimate dues for the fear of the social backlash.

## 4. TRADITION AND MODERNITY

It is comparatively difficult to challenge the traditional legal mechanisms. Traditional societies continue to be treated as objects, like machinery, which can be made desirably functional by replacing some old parts with new ones. When James Mill wrote in his *History of India* in 1817 that the condition of women in a society is an index of that society’s place in civilization, he understood rightly that women is the index of modernity. In one swoop, “women,” “modernity,” and “nation” became essential and inseparable elements in a connected discourse of civilization (D. Chakrabarty 1994). So, we find that the rights of women are in between two worlds of tradition and modernity. Women’s struggles for freedom and equality have been a vibrant part of all social movements for transformation and social justice through history. Mary Wollstonecraft wrote in 1792 in her *Vindication of the Rights of Women* that the struggle for rights of women is located within the personal space – the home and the family; and within the public space – the political and economic world. We observe that most of the women are undergoing struggles due to Patriarchy and social pressures, Caste based discrimination social restrictions, inadequate access to productive resources, poverty, insufficient advancement facilities and powerlessness etc.

## 5. INDIAN LEGISLATION AND WOMEN EMPOWERMENT

Today, women in India are victims of verbal assaults; rejecting, degrading, abusive expectations; unpredictable behavior, and emotional blackmail etc. There are a few women specific sections in Criminal Procedure Code of India. In section 160 (1) of the Code, there is provision for women where any police

officer making an investigation in a crime may, by order in writing, require the attendance before himself of any person as witness being within the limits of his own or any adjoining police station. If such person is a woman, in that case her statement will be recorded at her residence only. In section 46 (4), there is specific provision to arrest a woman where except in exceptional circumstances, no women shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, a woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made. Whenever a female is searched, the search shall be made by another female with strict regard to decency as per provision made under 51 (2) of the Code. In section 26 of Code, if any offence of Rape is tried under penal provision of section 376 and sections 376A to 376D of Indian Penal Code, the trial court shall be, as far as practicable, Court presided over by a woman. In case of a rape victim, further provision has been made under section 157 of the Code. In investigating the offence of rape, the investigation shall be conducted at the residence of the victim and, as far as practicable by a woman police officer, and if the victim is under eighteen years of age, she should be questioned in the presence of her parents or a social worker of the locality. The investigation in relation to rape of a child may be completed within three months from the date on which the information was recorded by the officer-in-charge of the police station and in some incidents of rape where it took place under custody (Sec 173 of Cr.P.C.). The trial of offence committed for rape should be held *in camera* as per provision under 327 of the code. The reporting and printing of the rape trial can be done provided the identity of the parties can be kept secret. In case of medical examination of women after arrest, the examination of the body shall be made only by or under the supervision of a female registered medical practitioner as per provision under section 54 of Cr. P. C. of India. But legislation alone cannot normally solve deep-rooted social problems.

## 6. CONCLUSION

In countries like India majority of women find themselves stripped off the benefits of social security; government subsidies and protection of labor rights etc. On the other hand there are possibilities of better education facilities and opportunities in the transnational sense which are very attractive to the privileged few. Sporadically, women in India have made progress in the field of education, health or economics as a result of technological developments or because of the process of social evolution. Though in very small numbers, today, India can boast of successful women in almost all spheres of life. Women of today are doctors, engineers, pilots, journalists, teachers, administrators, judges, state governors, ambassadors, members of parliament and ministers. In spite of these achievements the fact remains that ordinary woman's condition is a gloomy reality. Indian women still have a long way to go. There are many problems like Dowry, Girl Education, Female Feticide etc which can be largely attributed to patriarchal mindsets which act as strong barriers in the way of women empowerment. The silver lining is the globalization and explosion of information technology which are proving a double edged weapon in emancipation of women.

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