

A SOCIOLOGICAL ANALYSIS MULTIFACETED DISCRIMINATION AND EXPLOITATION

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Abstract: Human rights are those basic rights which are compulsorily obtainable by each and every individual as a member of human family. Constitution of India has granted equal rights to men and women but on the ground of reality there is a wide gap between theory and practice. Indian society is male dominated and deeply rooted patriarchal traditions violates the women human rights. Patriarchy become an obstacle in the way of women development and equity. From the beginning of life to death women are compelled for being the secondary part of each and every strata of life. This study investigates the main reason behind violation of women's rights. Study explains how patriarchal social system is hurdle in the way of women development. Paper throws light on multifaceted discrimination and exploitation faced by women. Present paper analyses constitutional safeguards of women rights and its implementation in reality. paper conclude with some suggestions for checking violation of women's rights.

Introduction: The constitution of India has provided equal rights to the men and women. According to article 14 – "The State shall not deny to any person equality before law or the equal protection of laws within the territory of India." And Article 15 states – "State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them." Though, Human Rights are the minimum rights which are essentially procured by every individual as a member of human society. But it has been found that each and every right of the women is being violated in different ways. The crimes against women are increasing at a very fast pace. The National Crime Records Bureau (NCRB) had predicted that growth rate of crime against women would be higher than the population growth in upcoming years. Women are prone to crimes such as rape, dowry, bride burning, sexual harassment, selling and importation, prostitution and trafficking etc. This year there has been 20% increase in women trafficking, procurement of minor girls accounted for 19.8%, importation of girls accounted for 4.9% and buying of girls for prostitution accounted for approx 2.3%. Then how these Human Rights are beneficial to women? Though government is taking a number of steps to improve the condition of women in India, but there is a long way to go.

Rights For Women: The paper will study the various human rights of women in India and how they are being violated. Constitution of India has provided many safeguards to women such as, Right to equality, Right to education, Right to live with dignity, Right to liberty, Right to politics, Right to property, Right to equal opportunity for employment, Right to livelihood, Right to work in equitable condition, Right to protection from gender discrimination, Right to social protection in the eventuality of retirement, old age and sickness, Right to protection from Inhuman treatment, Right to protection of health, Right to privacy in terms of personal life,

family, residence, correspondence etc. and Right to protection from society, state and family system. In India women have the rights equal to men but in reality, the women in India have been face discrimination, injustice and dishonour. Discrimination against the girl child starts the moment she enters into the mother's womb. If a girl child take birth in any way, she is killed after her birth by different cruel ways in some parts of the country. Education is one of the most important human rights but the status of women's education in India is in very pathetic condition. Despite in the improvement in the literacy rate after independence, there is a large gap between the literacy levels of men and women. Almost half the women population are even unable to recognise language characters. Approx 60 million girls lack access to primary education in India. Due to large percentage of uneducated women in India, they are not even aware of their basic human rights and never fight for them. The political status of women in India is also very unsatisfactory, their representation has been unable to reach even 10% in Lok Sabha. Thus it proves there is male domination in Indian politics.

When it comes to land and property rights, most of the Indian families women continue to have little access to land and property. In fact, some of the laws discriminate against women, Though, women have been given rights to inheritance, but the sons had an independent share in the ancestral property.

Eve teasing is an act of terror that violates a woman's body, space and self – respect. It is one of the many ways through which a woman is systematically made to feel inferior, weak and afraid. Whether it is an obscene word whispered into a woman's ear, offensive remarks on her appearance, any intrusive way of touching any part of women's body; a gesture which is perceived and intended to be vulgar: all these acts represent a violation of woman's person and her bodily integrity. Thus, eve teasing denies a

woman's fundamental right to move freely and carry herself with dignity, solely on the basis of her sex. There is no particular places where eve – teasers congregate. No place is “safe” for women. In spite of the fact that in India we have ‘Protection of Women from Domestic Violence Act 2005’, domestic violence still remains a serious problem. The reasons for Domestic aggression are primarily ingrained in the patriarchal nature of the Indian society which supports such violence at home. Besides this the problem of alcoholics of husband or desire for endowments or a male child are some of the other factors liable for household brutalities in India. In India the ‘Dowry Prohibition Act and the Protection of Women from Domestic Violence Act and cruelty under Section 498 A of the Indian Penal Code in 1983’⁴ declares brutality to a woman in her conjugal house a punishable and non bailable offence that can lead to a sentence of up to three years and fine.

The UN Special Rapporteur on Adequate Housing argues: “In almost all countries, whether ‘developed’ or ‘developing’, legal security of tenure for women is almost entirely dependent on the men they are associated with. Women headed households and women in general are far less secure than men. Very few women own land. A separated or divorced woman with no land and a family to care for often ends up in an urban slum, where her security of tenure is at best questionable”¹⁰. “There is increasing clinching evidence that, in poor households, women spend more on basic family needs, while men spend a significant part on personal goods, such as alcohol, tobacco, etc.”

Sexual Harassment At The Workplace: In 1997 Supreme court has given a guidelines for safer workplace name vishakha guidelines. However it was the passage of the ‘Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill 2013’ that helped in translating these guidelines into concrete rules that are to be implemented. But this issue is largely under carpet area.. In India the women are discriminated against in terms of payment and job security. Women entrepreneurs have to face more complications to implement their ideas.

Rape: Number of reported rapes in past 10 years are significantly high. According to NCRB, in 2012, 25000 rape cases were reported. In India rural areas, particularly in Northern India, the upper caste people use mass rapes as a strategy to have power over the members of the lower caste groups. The brutal gang rape case in Delhi had led to the passage of a stricter Law i.e. The Criminal Law (Amendment) Act 2013 to deal with the rape cases in India..

Societal Violence Against Women: A women has less chance to get justice in our patriarchal society. The religious communities, village communities or

the artificial communities like professional bodies are hardly epitome of equality between men and women. Quite often the religious communities have made the life of the women worse by forcing them to adopt conservative practices that are harmful to women.

Protection of Women's Human Rights by the Constitution of India: The constitution of India provide special rights to women. The constitution makers were well aware of pros and cons of women's rights in our constitution. . They made some efforts for uplift of women in our society. The state is directed to provide for maternity relief to female workers under Article 42 of the Constitution, whereas Article 51-A declares it as a fundamental duty of every Indian citizen to renounce practices to respect the dignity of women. Indian Parliament has passed the Protection of Human Rights Act, 1993 for the proper implementation of Article 51-A. Indian Parliament over the years have taken significant steps for through legislations to achieve the goal of empowering the women in India. Apart from these, the 73rd and 74th Constitution (Amendment) Acts 14 provided for 33% reservation for women in both panchayat and Nagarpalika institutions as well as for the positions of chairpersons of these bodies. These two amendments removed the bottlenecks from the paths of women empowerment at the local level. In fact it has been found that the Karnataka sends maximum number of women to the PRIs followed by Kerala and Manipur. In order to facilitate equal participation of women at the national and state level politics, the bill providing for 33% reservation of seats for women in national and States legislatures has been introduced in Parliament 15.

Apart from this, in India, National Commission for Women had been established in 1990 to look into the women's problem. NCW have engaged them to deal with the cases relating to the violation of women's rights. They have pressurised the government to pass stricter laws to deal with the rape cases, domestic violence and to create a separate criminal code for the women etc.

Strategies of Women's Empowerment in India: The women in India are positioned at a receiving end because they have remained ignorant of their fundamental civil and constitutional rights. Patriarchal system impinges on every sphere of a woman's life. In such a situation often a majority of them are forced to accept the traditional practices that are detrimental for both their and their children's development. Although women have acquired a level of financial and political autonomy and consciousness about their rights, yet they experience helplessness in bringing about basic changes for eliminating gender inequalities from the society.

Thus, Every time a violence done against women raises the question mark that how these special rights being given to women are helping them? What are the benefits of framing such laws for the women? Are they really helping them? Will the women really be

given an equal status to men one day? All these questions are still unanswered. There is still long way to go to answer such questions

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