

HUMAN RIGHTS WOMEN AND VIOLATION

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Human Rights,
Women & Violation

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INTRODUCTION

As we know Human rights are as old as human civilization; but their use and relevance have been well defined during the recent years. It has gathered more importance in the post-second-world war period, particularly after 1948.

Actually, human rights are vital part of human being, both male and female exist in it but our social system makes differences between them. So a big fight takes place for human dignity. Due to the discrimination women have to aware to avail their own human rights. Women's human rights are entitlements and freedoms claimed for women and girls of all ages in many societies. In some places these rights are institutionalized or supported by law, local custom, and behaviour, whereas in others they may be ignored or suppressed. They differ from broader notions of human rights through claims of an inherent historical and traditional bias against the exercise of rights by women and girls in favour of men and boys.

Women's Human Rights around the world is an important indicator to understand global well-being. I believe India is a highly advanced civilization in a state of decay, caught in a series of paradoxes. Thus women in India did not have to struggle for basic rights as did women in the Western countries. Second thing India's movement for women empowerment was initiated by men and later joined by women. In starting social empowerment was necessary so a step goes toward the abolishing sati, the custom of child marriage, abolishing the disfiguring of widows, banning the marriage of upper caste, Hindu widows, promoting women's education, obtaining legal rights for women to own property, and requiring the laws to acknowledge the status of women by granting them basic rights in matters such as adoption. Off course these efforts made remarkable social changes in favour of women's human rights in India

In Indian history, the 19th century was the period that saw the

changes in the majority of women's status come under the spotlight and reforms – development process- began to be made. Much of the early reforms for women were conducted by the social reformers of India. However, by the late 19th century, women education got support in social environment; awareness takes place in for the right of education of Indian women. By the late 20th century, Indian women gained greater autonomy through the formation of some independent organizations by women for the women. By the late thirties and forties a new narrative began to be constructed regarding -women's activism .Now women made a notable role in Indian national struggle. Their support, scarification and sure made a new history. It was an era when their existence accepted socially and politically so some women came to the main stream of the nation.

After independence, the Constitution of India made several provisions for women of India; this is one of the most rights-based constitutions in the world. The Indian Constitution captures the essence of human rights in its Preamble, and the sections on Fundamental Rights and the Directive Principles of State Policy etc. In long run several laws, Acts, provisions, and reservation in local government bodies and government sector, various schemes, plans and programs to protect the rights of women and enhance them towards their dignified life.

Yet, despite many successes in empowering women in India, woman continue to face unprecedented levels of gender based violence, such as rape and female genital mutilation, domestic abuse and workplace harassment. Sexual based crime is increasing continually. Unfortunately many Gudias and Nirbhayas have been seen in daily news.

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MEANING OF HUMAN RIGHTS

Human rights are very- very necessary for all of us to live with dignity and development of personality. Commonly we can understand Human rights as inalienable fundamental rights to which a person is inherently entitled simply because she or he is born as a human being in the earth. They are thus conceived as universal and egalitarian. These rights may exist as natural rights or as legal rights, in local, regional, national and international laws. The doctrine of human rights in international practice, within international law, global and regional institutions, in the policies of various states and in the activities of non-governmental organizations in different countries, has been a cornerstone of public policy around the world in present era.

Despite this, the strong claims made by the doctrine of human rights continue to provoke considerable skepticism and debates about the content, nature and justifications of human rights in today circumstances. Indeed, the question of what is meant by a “right” is itself controversial and the subject of continued philosophical debate. There is no similarity in thoughts of various thinkers. Many of the basic ideas of the human rights that were animated “movement of Human Rights” developed in the aftermath of the II nd World War and the atrocities of The Holocaust, culminating in the adoption of the “Universal Declaration of Human Rights” in Paris by the United Nations Organization in the year 1948. The ancient world didn’t possess the concept of universal human rights. The true forerunner of human rights discourse was the concept of natural rights which appeared as part of the medieval Natural law tradition that became prominent during the Enlightenment with some thinkers like, John Locke, Francis Hutcheson, and Jean-Jacques Burlamaqui, and featured prominently in the political discourse of the American

Revolution and the French Revolution. From this basic fundamental, the modern human rights arguments emerged over the latter half of the 20th century.

Article one of the United Nations Universal Declaration of Human Rights has written--“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” And in the 1st sentence of the Preamble to the Universal Declaration of Human Rights has described that “**All human beings are born free and equal in dignity and rights**”.

The modern sense of human rights can be traced after Second World War, alongside the disappearance of the feudal authoritarianism and religious conservatives that dominated the middle Ages. One theory is that human rights were developed during the early Modern period, along with the European secularization of Christian ethics. The most commonly held view is that concept of human rights comes from the Western countries, and that while earlier cultures had important ethical concepts; they generally lacked a concept of human rights. For example, McIntyre argues that there is no word for “right” in any language before 1400.

Medieval charters of liberty such as the Magna Carta (1215) was not charters of human rights, rather they were the foundation and constituted a form of limited political and legal agreement to address specific political circumstances, in the case of Magna Carta later being recognized in the course of early modern debates about human rights. One of the oldest records in the field of human rights is the statute of Kalisz (1264) in which the giving privileges to the Jewish minority in the Kingdom of Poland such as protection from the existed discrimination.

As we all feel that in order to live with dignity certain basic rights and freedoms are necessary, which all Human beings are entitled to, these basic rights are called Human Rights. It demand recognition and respect for the inherent dignity to ensure that every human beings is protected against abuses which undermine their dignity, and give the opportunities they need to realize their full potential, free from discrimination. These were followed by developments in philosophy

of human rights by philosophers such as **Plato, Aristotle, Cicero, Sophocles, Stoic etc in starting and Thomas Paine, John Stuart Mill and G.W.F. Hegel** during the 18th and 19th centuries.

The term “human rights” probably came into use sometime between **Thomas Paine’s “The Rights of Man”** and William Lloyd Garrison’s 1831 writings in “The Liberator”, in which he stated that he was trying to enlist his readers in “the great cause of human rights” in the world. In the 19th century, human rights became a central concern over the issue of slavery. A number of reformers, such as William Wilberforce in Britain, worked towards the abolition of slavery. This was achieved in the British Empire by the Slave Trade Act 1807 and the Slavery Abolition Act 1833. In the United States, all the northern states had abolished the institution of slavery between 1777 and 1804, although southern states clung tightly to the “peculiar institution”. Conflict and debates over the expansion of slavery to new territories constituted one of the reasons for the southern states’ secession and the American Civil War.

During the reconstruction period immediately following the war that time several amendments to the United States Constitution were made. These included the 13th amendment, banning slavery, the 14th amendment, assuring full citizenship and civil rights to all people born in the United States, and the 15th amendment, guaranteeing African Americans for the right to vote.

In the 20th century many groups have achieved profound social changes over the course of the name of human rights. In Europe and North America, labour unions brought about laws granting workers the right to strike, establishing minimum work conditions and forbidding or regulating child labour. The establishment of the International Committee of the Red Cross, the 1864 Lieber Code and the first of the Geneva Conventions in 1864 laid the foundations of International humanitarian law, to be further developed of human rights, following the two World Wars. Due to the huge losses of life and gross abuses of human rights that took place during them, was a driving force behind the development of modern form of human rights provisions.

The League of Nations was established in 1919 at the negotiations

over the “Treaty of Versailles” following the end of “First World War” The League’s goals included disarmament, preventing war through collective security, settling disputes between all countries through negotiation and diplomacy; and improving global welfare based environment.

In the year of 1945 in the Yalta Conference, the Allied Powers agreed to create a new body to supplant the Nations League’s role; this was to be the United Nations. So on 24 October 1945 the United Nations has established. It has played an important role in international human-rights law since its creation. Following the World Wars, the United Nations and its members developed much of the discourse and the bodies of law that now make up international humanitarian law and international human rights law.

There many theories; the interest theory argues that the principal function of human rights is to protect and promote certain essential human interests, while will theory attempts to establish the validity of human rights based on the unique human in order to provide protection from the state. In the Marxist theory of society, an individual is essentially a product of society and, should not be seen in a capacity for freedom. In other hand the claims made by human rights to universality have led to criticism.

However, a persistent opposition to this view builds on the criticisms of the western thinker Burke and Bentham, and even from the contractarian views of Rousseau’s image of civil society. In this perspective rights do not exist independently of human endeavour; they can only be created by human action. Rights are viewed as the product a particular society and their legal system.

In this vein, the famous socio-political thinker Karl Marx also left a legacy of opposition to rights that hindered socialist thinkers from accommodating rights within their theories of society. Marx denounced rights as a fabrication of bourgeois society, in which the individual was divorced from his or her society; rights were needed in capitalist states antagonistic relationship in the ideally way where rights are needed. However, many socialists have come to accept these certain conceptions of human rights in the late twentieth century.

CLASSIFICATION OF HUMAN RIGHTS

Human Rights can be classified and organized in a number of different ways; at an international level the most common categorisation of human rights has been to split them into two part -.

First Generation Rights

The first generation human rights are very necessary for over all development of human beings. What are the first generation rights? The Civil and political rights known as a first generation rights..Civil and political rights form the original and main part of international human rights. They comprise the first portion of the 1948 Universal Declaration of Human Rights (with economic, social and cultural rights comprising the second portion).

The theory of three generations of human rights considers this group of rights to be “first-generation rights”, First-generation rights, often called “blue” rights, deal essentially with liberty and participation in political life. They are fundamentally civil and political in nature, as well as strongly individualistic, they serve negatively to protect the individual from excesses of the state, and the theory of negative and positive rights considers them to be generally negative rights.

They defined as a class of rights that protect individuals’ freedom from infringement by governments, social organizations and private individuals, and which ensure one’s ability to participate in the civil and political life of the society and state without discrimination. It include the ensuring of peoples’ physical and mental integrity, life and safety; protection from discrimination on grounds such as race, gender, national origin, colour, sexual orientation, ethnicity, religion, or disability; and individual rights such as privacy, the freedoms of thought and conscience, speech and expression, religion, the press, assembly and movement.

Political rights include natural justice (procedural fairness) in law, such as the rights of the accused, including the right to a fair trial;due process; the right to seek redress or a legal remedy; and rights of participation in civil society and politics such as freedom of association-

- The right to assemble,
- The right to petition,
- The right of self-defense, and
- The right to vote.

The phrase “civil rights” is a translation of Latin “*ius civis*” (rights of a citizen). Roman citizens could be either free (*libertas*) or servile (*servitus*), but they all had rights in law.^[5] After the Edict of Milan in 313, these rights included the freedom of religion. Roman legal doctrine was lost during the Middle Ages, but claims of universal rights could still be made based on religious doctrine. According to the leaders of Kett’s Rebellion (1549), “all bond men may be made free, for God made all free with his precious blood-shedding. In the 17th century, English common law judge Sir Edward Coke revived the idea of rights based on citizenship by arguing that Englishmen had historically enjoyed such rights. The Parliament of England adopted the English Bill of Rights in 1689.

The Virginia Declaration of Rights, by George Mason and James Madison, was adopted in 1776. The Virginia declaration is the direct ancestor and model for the U.S. Bill of Rights (1789). In early 19th century Britain, the phrase “civil rights” most commonly referred to the issue of legal discrimination against Catholics. In the House of Commons support for the British civil rights movement was divided, many more well-known politicians supported the discrimination towards Catholics. This process culminated in the Roman Catholic Relief Act 1829 which restored the civil rights of Catholics. In the 1860s, Americans adapted this usage to newly freed blacks. Congress enacted civil rights acts in 1866, 1871, 1875, 1957, 1960, 1964, 1968, and 1991.

When we talk about the protection of right, in many countries, they are constitutional rights and are included in a bill of rights or similar document. They are also defined in international human rights instruments, such as the 1948 Universal Declaration of Human Rights and the 1967 International Covenant on Civil and Political Rights. Civil and political rights need not be codified to be protected, although most democracies worldwide do have formal written guarantees of civil and political rights.

Civil rights are considered to be natural rights. Thomas Jefferson wrote in his *A Summary View of the Rights of British America* that “a free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate.” The question of to whom civil and political rights apply is a subject of controversy. In many countries, citizens have greater protections against infringement of rights than non-citizens; at the same time, civil and political rights are generally considered to be universal rights that apply to all persons.

Civil rights guarantee equal protection under the law. When civil and political rights are not guaranteed to all as part of equal protection of laws, or when such guarantees exist on paper but are not respected in practice, opposition, legal action and even social unrest may ensue. Civil Rights movements in the United States gathered steam by 1848 with such documents as the Declaration of Sentiment. Consciously modeled after the Declaration of Independence, the Declaration of Rights and Sentiments became the founding document of the American women’s movement, and it was adopted at the Seneca Falls Convention, July 19 and 20, 1848.

Worldwide, several political movements for equality before the law occurred between approximately 1950 and 1980. These movements had a legal and constitutional aspect, and resulted in much law-making at both national and international levels. They also had an activist side, particularly in situations where violations of rights were widespread. Movements with the proclaimed aim of securing observance of civil and political rights included: the 1950s and 1960s Civil Rights Movement in the United States. Most civil rights movements relied on the technique of civil resistance, using nonviolent methods to achieve their aims.

In some countries, struggles for civil rights were accompanied, or followed, by civil unrest and even armed rebellion. While civil rights movements over the last sixty years have resulted in an extension of civil and political rights, the process was long and tenuous in many countries, and many of these movements did not achieve or fully achieve their objectives.

HUMAN RIGHTS WOMEN AND VIOLATION

All women in India are the victim of doubled prejudice: that of her gender. In one side she is treated as a goddess just like goddess in several forms like Kanya, Laxmi, Durga, Parvati, Sarsvati, Mata etc. Almost everywhere mother is still respectable, in many families daughters gets respect as a Kanya but in other hand they are victimized everywhere; at home she has to face domestic violence, gender discrimination and blame on character. Sometimes she faces physical abashment or raped by her relative or on the public places. A woman may be 6 months old or 80 years old doesn't matter, they are unsafe at work place, public place even at home. So to face these all situations women have to become more strong, aware and united.



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