

The Research Dialogue

An Online Quarterly Multi-Disciplinary
Peer-Reviewed / Refereed Research Journal
ISSN: 2583-438X
Volume-04, Issue-01, April-2025
www.theresearchdialogue.com



Women's Rights as Human Rights

Dr. Sanjay Kumar Raipuriya,

Assistant professor, Government law College, Alwar (Raj.)

Abstract

Human being are granted right by society not only as citizens of a state but because they are Human, However, Women right are often violated not only in the political field but also in day to day life. In the family in households and in the public domain. Women have always been a part of literature throughout the ages. Unfortunately they have often depicted as a weaker, inferior, could not survive on their own and could not do their work by themselves. They have been facing discrimination, injustice and dishonour based on gender in every week of life.

Keywords: Human Right's, UDHR, CEDAW, EDAW, NMW, PRW.

Introduction

Right of an individual to live is as old as humanity itself. This has given rise to human rights that are the result of the evolution of human consciousness on the basis of the necessity required for that all human beings are equal, women in India are being victimised, humiliates, tortured and exploited since ages. The situation is still not very different in spite of the enactment of various laws to protect women against crime. In India crimes like murder, dacoits, robbery, terrorism etc. are thought to be very serious crimes as violating various fundamental and human rights, but atrocities against women are just overlooked. The major reason behind this illegitimate behaviour is that the women in India are not aware of their human rights.

Status of Women: Historical Perspective

In vedic period women enjoyed fair amount of freedom and equality. The Vedic period can best be termed as the period of feminine glory. Women studied in Gurukuls

and enjoyed equality in learning the Vedas. They were also allowed to undergo the Upanayan sanskara. In Aitereya Upanishad, the wife had been called the companion of husband. In the Rigveda the wife has been blessed to live like a queen in the house of her husband. The status of women was based on liberty, equality and cooperation like the status of women in the present contemporary world right and privileges by the great philosophers and thinkers like Manu, Chanakya and others. The women and shudras were prohibited to initiate Vedic studies. In the famous injunction of Manu. "Women should never be independent. As a daughter she is under surveillance of her father, as a wife, of her husband and as a window of her son" According to Mahabharata, the following categories of persons are to be exclude form the place where a King holds any consultations: dwarfs hump backed person, lame and blind men, idiots' eunuchs and women. The atrocities against women were common in ancient India as can be well inferred form how Ravana had abducted Sita and taken her to lanka, the Kauavas had insulted Draupadi in full view of the Raj Darbar, Yudhishtir, the husband had himself put her pawn in gamble. Position of Indian women did not improve in the medieval period but further degraded. Social evils like Sati, Child marriage, female foeticide arose. Polygamy and the system of Devdasi had already spread. The living pattern of the Hindu society changed drastically during the British period. The issues that attracted the attention of the social reformers were Sati, ill-treatment of window, the ban on window remarriage, polygamy child marriage, denial of property right and education to women. Many laws were enacted which tried eradicate certain social evils.

Status of Women: Global Perspective:

The United Nations has been actively involved for several years in promoting and strengthening independent and effective National Human Right Institutions. Equality of rights for women is the basic principal of the United Nations. The Preamble to the U.N.Charter sets men and women. Discrimination in the enjoyment of human prohibited under the principal Human right instruments. It is pertinent to briefly discuss the achievements of the United Nations in the field of women's right since 1948. These are:

1. Universal Declaration on Human Right, 1948.
2. Convention on Political Right of women, 1953.
3. Convention on the Nationality of Married Women, 1957.
4. Declaration on Elimination of Discrimination against Women, 1967.
5. Convention on the Elimination of All Forms of Discrimination against Women 1979.
6. Declaration on the Elimination of Violence against Women, 1993.

7. Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999.
8. Commission on the Status of Women.

Universal Declaration of Human Rights, 1948.

The preamble of Universal Declaration of Human Rights recognises the inherent dignity and equal unalienable rights of all members of human family. Everyone is entitled to the rights declared without any discrimination. Men and women of equal age are entitled to equal rights. The concept of equality is implicit in everyone having the right to liberty, life and security. Every individual is entitled to equal protection of law.

Convention on the Political Rights of Women, 1953

This Convention intends to implement the principal of equality of rights for men and women on equal terms regarding Public employment or to participate freely and indirectly in the government by means of voting system. A Woman shall be eligible for election to all publically elected bodies, established by national law on equal terms with men. Without any discrimination.

Convention on the Nationality of Married Women, 1957

In 1949, the convention on Status of women expressed the view that the convention on the Nationality of Married Women should be prepared and conducted as soon as possible, it would assure women of equality with men, especially with respect to the right to a nationality and prevents the from becoming stateless on marriage or at its dissolution. Subsequently, the draft convention was prepared by the commission and in 1957, the Assembly adopted the convention on the Nationality of married Women.

The contracting State parties of the convention have under taken following commitments:

- Neither the celebration Nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife.
- State nor the renunciation of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national.
- The alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures; the grant of such nationality may be subject to such limitation as may be imposed in the interests of national security or public policy.
- The present Convention shall not be construed as affecting any legislation or judicial practice by which the alien wife of one of its national may, at her request, acquire her husband nationality as a matter of right.

Declaration on the Elimination of Discrimination against Women, 1967

It spells that the discrimination against Women is fundamentally unjust and constitutes an offence against human dignity. This declaration is pledged to eradicate the discrimination against women in any form. Article 10 of the declaration of Discrimination against Women, 1967 states that all adequate measure shall be undertaken to ensure equality of married or unmarried women with men in the social and economic fields and specifically.

- The rights without discrimination on the ground of marital status or any other grounds to receive vocational training to work, to free choice of profession and employment.
- The right to equal pay/salary with men.
- The right to equal treatment relating to work of similar nature.
- The right to receive family allowance on equal terms with men.

with a view to prevent discrimination the status of women is to be regarded with equality in respect of married or unmarried in public. Employment and consequential family benefits. However physical incapacity of women shall not be treated as discrimination.

Convention on the elimination of the all forms of discrimination against women, 1979 (CEDAW)

It is the first international document to address women's rights with the political, social, cultural, economic and family life. The convention recommended that State parties should act to protect women against violence of any kind especially that occurring within the family. Discrimination against women violates the principal of equality of right and obstacle to the participation of women on equal terms with men: in political, social, economic and cultural life of their countries.

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principal of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to insure elimination of all acts of discrimination against women by person, organization or enterprises.

Optional Protocol to the Convention on the elimination of discrimination against Women, 1999.

The implementation machinery for the CEDAW was very weak and far from satisfactory by any standard. It cannot compel the state parties to give effect to the

provision of the convention. It may simply make suggestion and general recommendations based on the examination of reports and information received from state parties. The convention didn't provide for individual complaint system. In order to fulfil the deficiency the General Assembly on Oct.7,1999 adopted the optional Protocol to CEDAW, which enable victims of sex discrimination, sexual exploitation and other abuse to communicate the grievances against state parties to the protocol, to the committee on the elimination of Discrimination Against Women.

Provision relating to women in Indian Constitution

Article 14 in the Indian Constitution ensures equality in political, economic and social spheres. **Article 16** provides for equality of opportunities in matter of public appointment for all citizens. However, the ratio of women in political is far less as compared to men. How many women hold position of power in government run institution? Single women do not get jobs easily because the employers fear that they might get married and quit. They also find it hard to get rented accommodation whereas that is not the case with single men. Cricket is a religion in India. Is the government promoting cricket for women or any other form of team sport for women for that matter?

Article 15 in prohibits discrimination against any citizen on the ground of religion, race, caste, sex etc. There are certain places of worship in South India where women are not allowed entry.

Article 15 (3) of the Indian Constitution allows the State to make any special provision for women and children. Wife bashing is a favourite sports in India. Woman are subjects to Physical and mental torture by their husbands and their families. Women and children are always under the control of the 'Male' head of the family. A child is identified by his father's name in this country. Whereas in western countries, the mother's name forms, the middle name, of a child. **Article 39(a)** mentions that the State will direct its policies towards securing all citizen, men and women, the right to means of livelihood while **Article 39 (c)** ensure equal pay for equal work. When a male government employee is transferred from one place to another, is his wife given a new job in the new place? Her career goals are of little importance to anyone. She can be displaced and uprooted anytime! The daily wages of women labourers in India are lesser than that of male menial workers. Bollywood Actresses also get less money as compared their male counterparts.

Article 42 directs the state to ensure just and humane working condition. More often than not, women are exploited by their bosses. It is believed that women who keep their bosses happy get promotions very easily in the Corporate world! What about the others? Male colleagues never fail to make passes at women. Women have tom put up

with their bawdy jokes, lascivious remarks and glares, all the time. The plight of women labourers at construction sites, tea and rubber plantations etc. cannot even be described.

The constitution imposes a fundamental duty on every citizen through **Articles 15 (A) (e)** to renounce practise derogatory to the dignity of women. What is the government doing about eve-teasing? Can a woman spend an entire day on the streets of the National capital without getting a series of comments, derogatory to her dignity? Another law that protects women against a seemingly milder crime is another law that protects women against a seemingly milder crime is **Section 509 of the IPC**. Under this law, an individual who has assaulted a woman, used criminal force on her or outraged her modesty in any other way can be punished with imprisonment of up to 2 years. In fact the people who are employed by the State to ensure that people don't flout any rules, the policemen, are the ones who have given consequence to many crimes against women. Policemen are often found mounting obscenities, glaring and passing bawdy remarks on women, not only on the roads, but also inside the police station. Many of our honourable politicians are also involved in all manner of crimes against women.

Conclusion

Women are an important part of humanity. Women are almost 50% of the world's population. Women are an important and basic unit of family. She is the creator, the up bringer, Preserver and Protector of a family. Women of India, equal in talent and ability, is an invaluable asset of human resource and she is contributing substantially towards the nation-building. It is immoral and illegal to treat woman as unequal. Woman's rights are human rights. To deny her the political, civil, social, economic and cultural rights is gross violation of the Constitution, the supreme law of the land and is also contempt of numerous world human rights declaration, covenants and conventions.

If we go through all the constitutional and legal provisions guaranteeing human rights to the people of the country particularly the women, we become complacent and assume that there has been liberation of the masses. But is that the reality? If we scan the present scenario, what do we find? What is the status of women of the country vis-a-vis the right?

It is very strange that a country is progressing and all round awareness is increasing, atrocities against women, rather than declining are on the increase. The custodial and marital and other rape cases are registering sharp increase though the law relating to offence of rape is more stringent now. The cruelty of dowry has not stopped.

References

1. Mamta Rao, law relating to women and children (2008), p 20.
2. Dr. Devendra Singh, Human right: Women and law (2005),P3
3. Debasree lahiri, Crime against Women in india: A judicial review, Cr.1.J.(2008),pp 220-21
4. Neera Desai and Maithreyi Krishna raj, Women and Society in India (1987),pp38-41
5. Santosh Khanna, Human Rights Today (2001),p161
6. Dr. S.C. Tripathi and Vibha Arora, Law relating to women and children,(2008)
7. UDHR, Art.2
8. UDHR, Art 16
9. UDHR, Art 3
- 10.UDHR. Art 7
- 11.Supra Note 6, p29213
- 12.Supra Note1, p31
- 13.Dr. S.K.Kapoor, Human right under International Law and Indian law(2001),p134-35
- 14.5 Dr. S.R. katari, Woman safety at Home A Challenge to guarantee of Human right, Cr.L.J.(2009)p86
- 15.Dr. S.R.Myeni, Women and law (2001)
- 16.kanta Singh, Rape – A heinous crime Against Society: Human Right perspective, Cr.L.J.(2007),p218
- 17.Convention on the Elimination of all Forms of Discrimination against Women, 1979.
- 18.Declaration on the Elimination of Violence against Women, 1993.
- 19.dr. Anjani Kant, law relating to Women and Children (2006),p5

THE RESEARCH
DIALOGUE
Manifestation Of Perfection

THE RESEARCH DIALOGUE

An Online Quarterly Multi-Disciplinary
Peer-Reviewed / Refereed National Research Journal

ISSN: 2583-438X

Volume-04, Issue-01, April-2025

www.theresearchdialogue.com

Certificate Number April-2025/32

Impact Factor (RPRI-4.73)



Certificate Of Publication

This Certificate is proudly presented to

Dr. Sanjay Kumar Raipuriya
for publication of research paper title

“Women’s Rights as Human Rights”

Published in ‘The Research Dialogue’ Peer-Reviewed / Refereed Research Journal and
E-ISSN: 2583-438X, Volume-04, Issue-01, Month April, Year-2025.

Dr. Neeraj Yadav
Executive Chief Editor

Dr. Lohans Kumar Kalyani
Editor-in-chief

Note: This E-Certificate is valid with published paper and the paper
must be available online at www.theresearchdialogue.com

INDEXED BY

