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## CRIMES AGAINST WOMEN AND THEIR HUMAN RIGHTS

DR. ASHA SISODIYA

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**Abstract:** Crimes against women and human rights violation of women are increasing with alarming rate. Crimes against women include rape, molestation, cruelty by husband and relatives, sexual harassment, kidnapping and trafficking. The crime against women is a result of a long standing power imbalance between men and women. This is not a present problem rather it has its deep roots inserted since few decades. The government and various organizations efforts towards ending violence against women will not be productive unless common man is supportive. This paper is an overview about crimes against women and their human rights in India and here I have made an attempt to analyze the statistical data on crimes against women in India.

**Keywords:** Discrimination, Enactments, Rape, Violence.

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**Introduction:** International Law was solely concerned with States in the classical period which was influenced by the theory of State sovereignty. The view was based on the thesis that only States creates rule of International Law and as such, rules are valid for them alone. Thus, no place was left for individuals, and therefore, they had no legal significance from the International Law point of view.

If an injury was caused to an individual it was the State (to which the individual belonged) alone which owed the responsibility under International Law to another State.

The transformation of the position of the individuals after the Second World War has been one of the most remarkable developments in the contemporary International Law. The Charter of the United Nations by using the words 'Peoples of the United Nations' in the Preamble has given a place of importance to individuals. However, this alone did not change the position of individuals in the domain of International Law. They are regarded as the real subjects and beneficiaries of International Law by virtue of having rights and duties flowing directly from International Law. While a few rules are directly concerned with regulating the position and activities of individuals, a few others, indirectly affect them.

**What are Human Rights:** Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights which are commonly known as human rights. Since these rights belong to them because of their very existence they become operative with their birth. Human rights, being the birth right are, therefore, inherent in all the individuals irrespective of their caste, creed, religion, sex and nationality. These rights are essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare. They are also necessary as they create an environment in which people can develop their full potential and lead productive and creative lives in accordance with their needs and provide suitable conditions for the material and moral uplift of the people. Because of their immense significance to human beings; human rights are also sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights.

**Women and their Human Rights:** The advancement of woman has been a focus of the work of the United Nations since its creation. The Preamble of the Charter of the United Nations sets as a basic goal to reaffirm faith in fundamental human rights, in the women. Furthermore, Article 1 of the Charter proclaims that one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for the people without distinction as to race, sex, language or religion.

As early as in 1946 the Commission on the Status of Women was established to deal with women's issues. The Universal Declaration of Human Rights had affirmed the principle of the inadmissibility of discrimination and proclaimed that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedom set forth therein, without distinction of any kind, including distinction based on sex. However, there continued to exist considerable discrimination against women primarily because women and girls face a multitude of constraints imposed by society, not by law. It violated the principle of equality of rights and respect for human rights.

**Status of Women in India:** India has given equal status to women under its Constitution under Article 14 which provides that "The State shall not deny to any person equality before the law or the equal protection of laws within territory of India". The above provision clearly shows that women in India enjoy right to equality and any discrimination against them shall

be violations of equality of right and respect for human dignity. The Constitution also provides under Article 15 that every female citizen has a right to access to shops, public restaurants, hotels and places of public entertainment and no restriction can be imposed on female citizens with regard to the use of wells, tanks, bathing, ghats, roads and places of public resort maintained wholly or partly by State funds. Article 16 of the Constitution provides that there shall be equality of opportunity for all citizens (including women) in matters relating to employment or appointment to any office under the State.

Women in India enjoy right to equality. However, in order to improve their status further, the Constitution provides under Article 15(3) that State may make special provisions for women. Consequently, a number of legal provisions aimed at securing equal status for and removing discrimination against women have been made. For instance, the Constitution was amended in 1992 to reserve 33 percent of the seats in their favour in Panchayats and Municipalities. The Amendment is regarded as a major step for socio-economic empowerment of the women in India. The Constitution has also casted the duty on every citizen to renounce practices derogatory to the dignity of women. *Other major enactments relating to the Rights of Women are:*

1. Child Marriage Restraint Act, 1929
2. Immoral Traffic Prevention Act, 1956
3. Dowry Prohibition Act, 1961
4. The Medical Termination of Pregnancy Act, 1971
5. The Indecent Representation of Women (Prohibition) Act, 1986
6. The Commission of Sati Prevention Act, 1987
7. The National Commission for Women Act, 1990
8. Protection of Women from Domestic Violence Act, 2005

Despite of this efforts Indian society is suffering from patriarchal mentality and women has been subjected to suppression and subjugation. Women is victim of molestation. There is constant increase in crimes like rape, dowry death, kidnapping and molestation. Analysis of records from 2001 to 2012 obtained from Indian Government's Crime Record Bureau suggests that there is no decrease in violence against women.

National Crime Record Bureau statistics indicate there is no decrease in crimes against women. Crimes against women have increased. Violation of human rights of women is increasing day by day. A society that is unable to respect, protect and nurture its women and children loses its

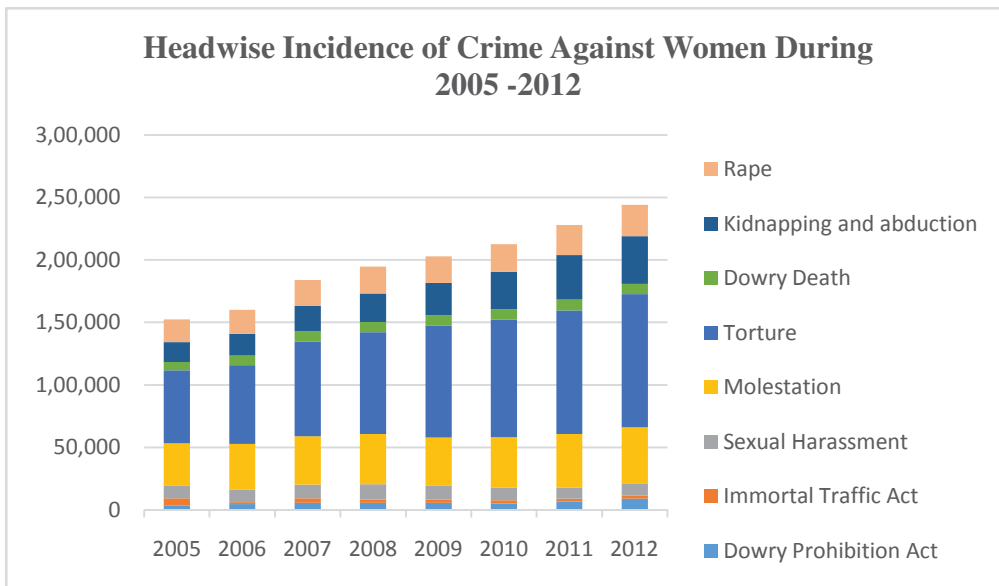
moral moorings and runs adrift. In the Indian society, position of women is always perceived in relation to the man.

Year	Crimes Against Women	Year	Crimes Against Women	Year	Crimes Against Women
2001	143795	2002	143034	2003	140601
2004	154333	2005	155553	2006	164765
2007	185312	2008	195856	2009	203804
2010	213585	2011	228650	2012	244270

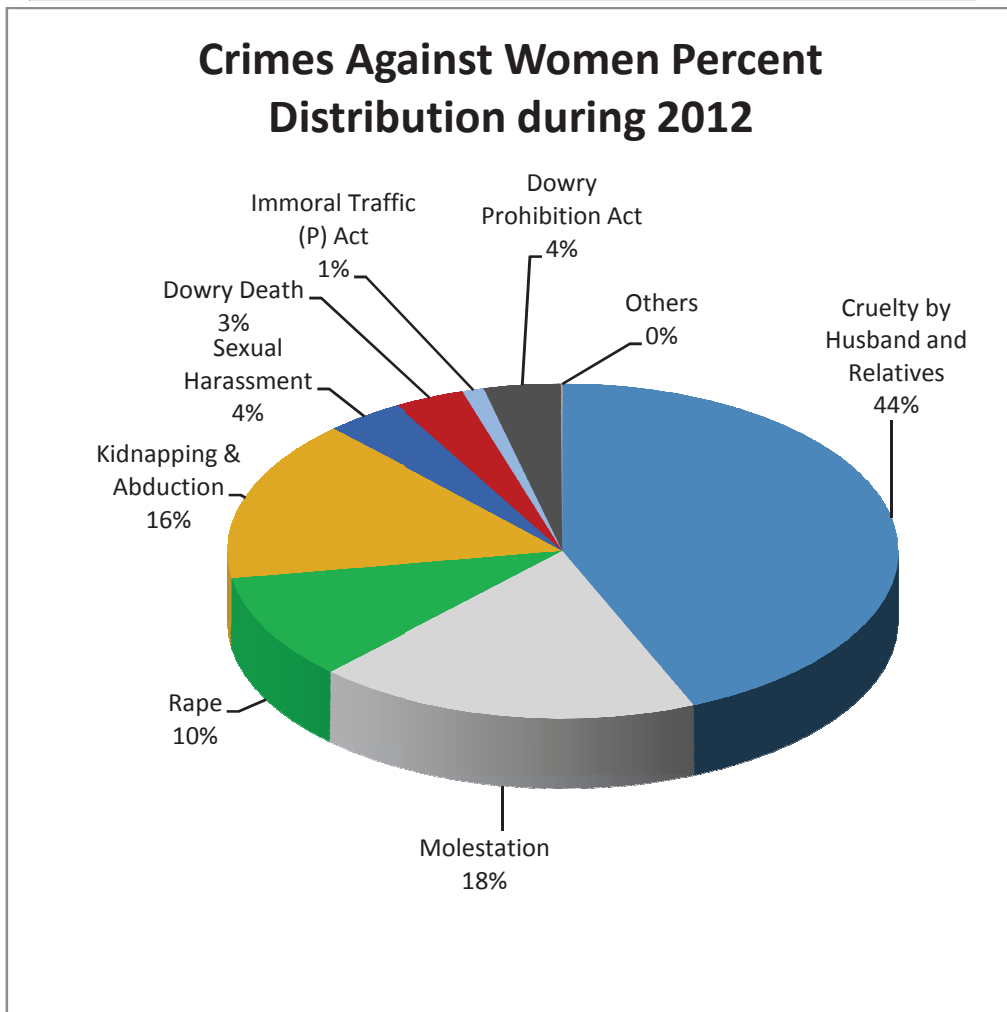
This perception has given birth to various customs and practices. Violence against women both inside and outside of their home has been a crucial issue in the contemporary Indian society. Women in India constitute near about half of its population and most of them are grinding under the socio-cultural and religious structures.

Indian women through the countries remained subjugated and oppressed because society believed in clinging on to orthodox beliefs for the brunt of violence - domestic as well as public, physical, emotional and mental. Male violence against women are worldwide phenomenon. There are various forms of crime against women. Sometimes it is even before birth, some times in the adulthood and other phrases of life.

Over the last few months cases of rapes and assault have made it to the headlines with alarming frequency. The death following a brutal gang rape and assault of a 23-year-old paramedical student in India's capital Delhi in December has put a spotlight on crimes against women in the country. Recently two teenaged girls were gang-raped and murdered in Badaun. In Singrauli, a 14-year-old girl gang-raped by five people inside a moving bus and then thrown out of the vehicle. It is an ordeal simply to file a police report and the investigations thereafter have been stories of apathy and downright humiliation meted out to the victims. Where convicted, punishments have ranged from capital punishments to a day in jail.



Equally horrific are news reports of foreign tourists being sexually assaulted. Recently a Malaysian woman was raped in Jaipur, a German girl was raped in moving train, and a Danish Tourist was gang-raped in Delhi to list the few instances. It looks like that India as a nation has ceased to know how to treat women as human beings who have a right to dignity and safety. The crime against tourists is against our culture of "Atithi Devo Bhava" Government has decided to meet and discuss with the state government the safety of women tourists as a reaction from the fear that such incidents will impact India's image.



**Conclusion:** Only legislation and law enforcement agencies cannot prevent the incident of crime against women. There is need of social awakening and change in the attitude of masses, so that due respect and equal status is given to women. It's a time when the women need to be given her due. This awakening can be brought by education campaign among youth making them aware of existing social evils and the means to eradicate same. Mass media can play an active role here as in the present

days it has reached every corner of the nation. Various NGOs can hold a responsible position here by assigning them with the task of highlighting socio-economic causes leading to such crimes and by spreading information about their catastrophic effect on the womanhood and the society at large.

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Dr. Asha Sisodiya/ Nehru Govt. P.G College Agar-Malwa India/  
Asst. Prof. - Political Science