

Research Paper

HUMAN RIGHTS VIOLATION AND DOMESTIC VIOLENCE AGAINST WOMEN IN INDIAN CONTEXT

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The concept of human rights has assumed importance globally during the past few decades. It became significant after the Second World War when political and civil rights of the people were completely suppressed. Therefore human rights emerged as a major category in the field of human activism. It has become a principal tool in attaining individual freedom of the citizen of all countries. A dignified human life has been the main objection of human rights paradigm.

Human Rights are a dynamic concept and endeavours to adopt itself to the needs of the day. Human rights constitute those very rights which one has precisely because of being a human. In their basic meaning, human rights are claims of the individual for such conditions which are essential for the fullest realization of the innate characteristic which nature has bestowed him/her with as a human being. Human rights pertain to all persons and are possessed by everybody in the world because they are human beings. Difference of sex, race, language and colour do not change these rights. Nor do the differences of property, social origins, political ideals or religious beliefs can change these rights. Human rights are essential for full development of human personality and for human happiness. They are indispensable for physical and mental upliftment of the human race.

The League of Nations was the first international human effort to get the nations together. The horrors and worst kind of brutalization of human rights in the Second World War the main motivating factor in pursuing the goals of protection of human rights in the post war period. The vague and talking hunger for peace, human rights and social justice expressed in the covenant of League of Nations was transformed into firmer commitments and stronger imperatives in the charter of the United Nations which stressed the urgency of international cooperation in promoting and encouraging respect for human rights and fundamental freedoms. The U.N. emerged as the international organ to generate and keep up mankind's desire for peace.

The Magna Carta in England, The American Bill of Rights, French Declaration of the Rights of Man, The Bolshevik Revolution in Russia could be cited as important landmarks in the development of the concept of human rights.

Human rights became universalized and internationalized through Universal Declaration of Human Rights (UDHR) which was adopted by the General Assembly on the 10th of December, 1948. It define specific rights-civil and political as well as economic, social and cultural with equality and freedom from discrimination as a principal.

The UDHR is not just a declaration, it represents the collective wisdom of the world community to work together

towards a world without injustice, indignity and ignorance, a world without cruelty and hunger. The two international covenants of 1966 were drawn up on the basis of the thirty articles of UDHR and member Nations started ratifying them.

In India, The Preamble, Fundamental rights and the Directive Principles in the constitutions together provide the basic human rights for people of India. Fundamental rights contained in Part-III are essentially civil and political rights which are declared supreme under article 13 of the constitution and as such are judicially enforceable while Directive Principles of state policy contained in Part-IV are by and large social and economic rights which as per article 37 of the constitution, are not enforceable in courts of law but, nevertheless, fundamental in the governance of the country.

Sadly, even after these efforts at national and international levels, the world community's struggle for human rights not merely continues but becomes intense too. And when the question arises about the status of women in India, they are the silenced victims. Violations of the rights of women are a threat to the welfare and dignity of the entire human family. Therefore, the protection of human rights of women is a worldwide responsibility which transcends all racial, ideological and geographical boundaries.

Now the question arises how for the dream of the gender equality has been realized in India in its more than 60 years of journey after independence. Whether women is really being honoured or equally treated with men or not. The examination in this paper with special reference to domestic violence against women in Indian context will provide a cursory look at the whole situation. Women represent the most vulnerable section of the society in spite of their celebrated and privileged position as referred to by the ancient Indian scriptures. Women suffer gender devaluation at home, at work, in inheritance, public life and power process. The gender violence is common and takes many forms across culture, race and class. Women face violence many times in her life. It becomes very difficult to cope up with the situation when women are violated by her own intimates at home, a home which is considered to be most safe and secure. Domestic violence is the most common yet least reported crime. Domestic violence is operationally

defined as violence between intimates living together. The primary reason why women are subjected to violence is their subordinate status in a male dominated patriarchal society.

The existence of male dominance in the family has vested all the powers and authority in the hands of man. Man is the final decision taker and has control over economic resources in the family. Under such a patriarchal structure of society women faces violence many times psychologically, physically and mentally. In such a set up of society violence against women is always rationalized, accepted and motivated and women remain voiceless and powerless. Her contribution in the society, home and work place is always underestimated. Her value lies within the reproductive and sexual service they render man. It is very surprising that wife beating is seen as a legitimate action on the part of the husband in controlling wife. It is seen as a symbol of masculinity, not crime. Similarly rape in marriage is also a form of domestic violence.

In the era of 21st century we talk about women empowerment and liberation. Don't we feel that they have become only the part of discussion in the conferences, seminars and meetings? The fact is this that women are still abused, maltreated, psychologically injured and battered by the persons on whom she trusts the most. In a brutal form it may be sexual violence which includes physical exploitation or even murder and at a more sophisticated level the violence may be psychological or mental which includes threatening, verbal abuse, harassment, excessive interference and deprivation of women of economic resources.

Domestic violence is very much a hidden problem. It is only easily identified because it is considered to be a cause of shame in society. Considering herself a second sex, women accept violence as her destiny. The statistical graph of physical abuse, sexual abuse, rape in intimate relationships, emotional abuse, feticide, forced prostitution, sex selective abortions, female infanticide, deprivation of food and medical care etc. is increasing day by day. Therefore the human rights of women are denied and their lives are stolen from them by their own intimates.

Although there are legal provisions and domestic violence bill for the safety of women but there is a need of international consensus to deal with the issue because legislation, law enforcement and judicial system has their own loopholes. Today it is also a bid debate that legal provisions (498 a, etc.) are being misused by women themselves, but it is not true in all the cases.

The Indian constitution guarantees equal status to women, yet social conditions, economic dependence of women and religious influences have made women a second class citizens. The situation becomes poorer in the rural areas of India and the rights of women remains paper laws.

Thus there is a need for better protection through strong legislation and policy with proper implementation and reform in criminal justice system. Education and legal awareness widens women's perspective, lays confidence to stand up to the oppressor, and if need be take recourse to the courts for redresses. Educational and economic independence of women can play very important role in the realization and protection of her own rights. The whole society and women's intimates should take a step further to identify the contribution of women in the family as well as society. Non governmental organizations can also play vital role in women upliftment through creating awareness among them about their rights, so that they may say things publicly which they dares not say before. The women organizations can also hold protest march and public meetings for the

safety of women victims. They can also pressurize the policy to act speedily. It is necessary to develop a humanistic approach to the victims of crimes against women. The role of police is very important in preventing domestic violence against women. Unfortunately there are many instances where women went to a police station for help and they were mentally or physically harassed. The image of police should be changed. Each case is to be registered and investigated by the police seriously. Sensitive lawyers can also play a significant role in achieving equal legal status to women in India. Women cell and media can also contribute positively in solving the problems of crime against women. The role of National Human Rights Commission (NHRC) and the National Commission of Women (NCW) is very important for the protection of women rights. There is a need to make an all out attempt to reorient the society and transform social ethos, educate people about concept of women's dignity and the need to treat women as a human being and individual and a person demanding respect and dignity, so that women may also enjoy her rights and a society based on equally, justice and human rights may be build.

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