

## **Women Rights: with Special Reference of Challenges Facing Women in Present Society**

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### **Abstract**

For centuries past, women all over the world have not only been denied justice, social, economic and political but as “weaker section” they have been often used, abused, exploited and then discarded. The general though unfortunate impression has ever since been that women are sub-human, an object of contempt and ridicule, a commodity for barter, an expendable asset and a play thing for mere sexual enjoyment. The Indian society is a tradition-bound society where women have been socially, economically, physically, psychologically and sexually exploited, sometimes in the name of religion, and sometimes by the social sanctions. The concept of equality between male and female was almost unknown to us before the enactment of the Constitution of India. It is a harsh reality that women have been ill-treated in the Indian society for ages. Women were not only robbed of their dignity and pride outside the house but also faced ill-treatment and other atrocities within the four walls of the house. They were considered as an object of male sexual enjoyment totally at their mercy as reproducing agents. Feminism was a cry for equality by women.

### **UNO AND WOMEN RIGHTS**

The history of the international human rights movement has been one of neglect of women’s human rights. It has taken many decades of local, regional and international activism and networking to make women’s human rights visible. Ever now millions of women throughout the world live in conditions of abject deprivation and without fundamental human rights for no other reason than that they are women. Following international documents have lead to the protection of rights of women in the world:

United Nation’s Charter:

Universal Declaration of Human Rights, 1948:

Convention on the Political Rights of Women, 1952:

Convention on the Nationality of Married Women, 1957:

Consent to marriage, Minimum age for marriage and Registration of marriages:

International Covenant on Civil and Political Rights, 1966 and International Covenant on Economic, Social and Cultural Rights, 1966:

.Declaration on the Elimination of All Forms of Discrimination Against Women, 1967:

Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 1974:

Convention on the Elimination of All Forms of Discrimination Against Women, 1979:

Declaration on the Elimination of Violence against Women, 1993:

## **INDIA AND WOMEN RIGHTS**

Woman in India suffer from a variety of social and economic disabilities which prevent them from exercising their human rights and freedom in society. Child marriage, especially of the female infant was common; widow marriage was prohibited. Even if she succeeded in escaping from the funeral pyre of her deceased husband where she was expected to be burnt alive, a divorce was generally looked down upon and her remarriage was socially disapproved.

The preamble to the Constitution of India speaks of securing to all citizens of India equality of status and of opportunity as well as justice-social, economic and political. One of the directive principles of state policy ordains that the state should not make discrimination on the ground of sex and that it should direct its policy towards securing equal pay for equal work for both men and women. A number of other legislations have been enacted to raise the position of women.

Indian constitution ensures the equality of men and women. The following constitutional provisions protect the dignity of women.

1. Art. 14 of the constitution provide that the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. 'It proclaims equality of all people.
2. Art.15 (1) says that 'the state shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them'.
3. Art. 15(3) proclaim that nothing in this article shall prevent the state from making any especial provision for women and children.
4. Art. 16(1) and Art.16 (2) provides for equality of opportunity in the matter of public employment.
5. Art.38 directs the state to secure a social order for the promotion of welfare of the people. The state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall prevail. The state shall in particular, strive to minimize the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

6. Art. 39(a) of the constitution provides that the states shall in particular direct its policy towards securing that citizens, men and women equally, have the right to an adequate means of livelihood.

7. Art. 39(b) of the constitution ensures equal pay for equal work. The objective is to eliminate discrimination found in some sectors where men are usually paid more than women though the amount of labour is same.

8. Art. 39(c) of the constitution requires that the state to secure health and strength of workers and to ensure that children are not abused and citizens are not forced by economic necessity to enter to vocations unsuited to their age and strength.

9. Art 42 makes provision for just and humane condition of work and maternity relief.

10. Art 44 says that the state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

11. Art.51 (a) (e) of the constitution provides that it will be the duty of every citizen of India to renounce practices derogatory to the dignity of women.

12. Art 246 empowers parliament and state legislators to make laws in the areas which since the pre-constitution days fall in the domain of personal laws.

13. The 73<sup>rd</sup> and 74th constitution amendment provided for 33 percent reservation of the seats for women in urban and rural self governing bodies.

## **WOMEN AND LAW IN INDIA**

Many legislation have been passed with a view to ensuring equality of status and opportunity for women.

### **1. Hindu Married Women's Rights to Separate Residence and Maintenance Act, 1946 :**

The Act empowers the Hindu married women to claim for maintenance while residing separately from their husband. In case the husband is suffering from some loathsome disease not contracted from the wife or husband behave inhumanely and the stay of wife with her husband is dangerous or harmful or if the husband deserts her without her willingness or in case the husband adopts some other religion or in case the husband keeps some concubine or any other cause justifiable for separate residence. But a woman found guilty of adultery or religious changes cannot claim the above stated benefits according to this Act.

### **2. Special Marriage Act, 1954 :**

This act provides a special form of marriage and divorce in certain cases, for the registration of such and certain other marriage. This act, also provides for restitution of conjugal rights; judicial separation; and voidable marriage.

### **3. The Hindu Marriage Act, 1955 :**

The act provides for the minimum age for marriage of a girl as 18 years and for a boy 21 years. The Act declares monogamy as the only form of Hindu marriages. It also

provides for classification of Hindu Marriages as void, voidable and valid. After the death of the father, mother will be the guardian of a minor son or daughter. Wife as well as the husband has been allowed to seek divorce in certain conditions.

#### **4. The Hindu Succession Act, 1956 :**

This Act entitles the female children to share the property of their father along with their brothers. The women have the right to use, sell, mortgage or dispose of the inherited property in the way they like.

#### **5. The Hindu Adoptions and Maintenance Act, 1956 :**

This act provides that no husband can adopt a child without taking permission from his wife. The unmarried adult woman was also gives the right to adopt a child. The act provides that the adopted person shall be less than 15 year. As regards to the maintenance the act provides that the Hindu wife during the life time of her husband will have the right of maintenance. The widowed daughter-in-law or grand-daughter-in-law will also have the right of maintenance. The widow or unmarried daughter will have the right for maintenance upon her father. The minor children will have right for maintenance from parents, upon the time they remain minor.

#### **6. Hindu Minority and Guardianship Act, 1956 :**

The act provides that a child remains under the guardianship of mother till the age of 5 year and after that the father can claim for guardianship. After the death of the father, the child will again be under the guardianship of the mother till he does not become adult. In case of unmarried daughter the right of guardianship shall be with the mother. The legal guardians will have the right to do such thing as are considered necessary and in the interests of the child. For the purpose of this Act, the age of minor is up to 18 years.

#### **7. The Muslim Women (Protection of Rights on Divorce) Act, 1986 :**

The supreme court in MohdAhmad Khan vs. Shah Bano Begam has held that if the divorced woman is able to maintain herself, the husband's liability ceases with the expiration of the period of Iddat, but if she is unable to maintain herself after the period of Iddat, she is entitled to have recourse to section 125 of the code of criminal procedure, 1973. The above decision led to some controversy as to obligations of the Muslim husband to pay maintenance to the divorced wife. To dilute the judgments given in the above case, the Muslim women (protection of rights on divorce) bill was introduced in the parliament. The bill accordingly provides for the following things: a Muslim divorced woman shall be entitled to a reasonable and fair provision and maintenance within the period of iddat, by her former husband and in case she maintains the children born to her before or after her divorce, such reasonable provision and maintenance would be extended to a period of two years from the dates of birth of the children. Where a Muslim divorced woman is unable to maintain herself after the period of iddat, the magistrate is empowered to make an order for the payment of maintenance by her relatives who would be entitled to inherit her property on her death according to the Muslim law in the proportions in which they would inherit her property.

#### **8. Equal Remuneration Act, 1976 :**

Article 39 of the constitution envisages that the state shall direct its policy among other things, towards securing that there is equal pay of equal work for both men and

women. To give effect to this constitutional provision, the Equal Remuneration Act was enacted to provide for the payment of equal remuneration for men and women workers and for prevention of discrimination on the ground of sex against women in the matter of employment and the matters connected there with and incidental thereto. Section 4 of the Act spell out the duty of the employer to pay the equal remuneration to men and women worker for the same work or work of similar nature.

### **9. Dowry Prohibition Act, 1961 :**

Dowry is the money and gifts demanded by the bridegrooms side and paid by the bride's side. According to this Act the demand for dowry has been prohibited and provision is made for severe punishment for such demands. Thus, this custom was legally abolished but in the absence of sufficient awareness and favourable social attitude, the law remains ineffective.

### **10. Prevention of Sati Act :**

Sati or the burning of the widow on the funeral pyre of the husband was the custom practiced extensively in Rajasthan, especially among Rajput princes, and also among the Brahmins in Bengal, and to some extent in M.P and other northern states. In 1829 the Prevention of Sati Act, was passed according to it any one abetting the commission of sati would be guilty of culpable homicide and any one taking part in compelling a widow to commit sati would be guilty of murder. Various women's organisations and persons inside and outside parliament made protests to end this practice and to enact a strong and deterrent central law to provide for the more effective prevention of the commission of sati. On 14<sup>th</sup> December 1987 the commission of sati (prevention) bill was introduced in the Lok Sabha. The commission of sati (prevention) bill having been passed by both the houses of parliament received the assent of the president on 3<sup>rd</sup> January, 1988.

### **11. Domestic violence :**

Domestic violence manifests itself in the form of verbal, physical or psychological abuse. An act to combat domestic violence has been passed by the parliament termed 'the protection of women from domestic violence act, 2005'. Thus, the act was passed to provide for more effective protection of the rights of women who are victims of violence of any kind occurring within the family and for matter connected therewith and incidental thereto. The act provides for procedure for obtaining orders of relief. Section 12 provides that an aggrieved person, a protection officer or a service provider or any other person on behalf of the aggrieved person may present an application to magistrate. Section 14 empowers the magistrate to direct parties to undergo counselling. Section 16 provides for proceedings to be held in camera depending upon the circumstances of the case. Section 17 lays down that every woman in a domestic relationship shall have a right to reside in a shared household and the aggrieved person shall not be excluded/ evicted from a shared household by the respondent except in accordance with the due process of law. Section 18 provides for passing a protection orders by the magistrate on being satisfied that domestic violence has taken place or is likely to take place. Section 19 provides for restraint thus restraining the respondent from dispossessing/disturbing the possession of the aggrieved person from a shared household. Section 20 calls for monetary penalty for breach of protection order by the respondent. In all, the act has been enacted to provide a remedy for women in civil laws for the protection of women from domestic violence and only future will tell the results of the laws enacted.

## **12. The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 :**

In the recent past pre-natal diagnostic centre sprang up in the urban areas of the country which use pre-natal diagnostic techniques for determination of sex of the foetus. Such centres have become centre of female foeticide. To stop the misuse of such techniques, the pre-natal diagnostic techniques (regulation and prevention of misuse) bill, 1991 was passed by the parliament. The act was enforced largely to ban the use of ultrasound machines to identify female foetuses and abort them. The act has been amended in 2003 to make it more stringent to control sex selection not only at foetal stage but also at conception stage. Punishment under the act includes imprisonment for a term of 5 years and a fine of Rs. 1 lakh beside cancellation of the offending doctors' registration and license.

## **13. Sexual Harassment of Women at Workplace (Prevention and Redressal) Bill 2004 :**

This provides for the prevention and redressal of sexual harassment of women at workplace. The bill traces its history to the Vishakha guidelines issued by the apex court in Vishakha v/s state of Rajasthan. The Supreme Courts judgment in Vishakha case was a landmark for more than one reason. Sexual harassment was recognized under the Indian jurisprudence as a crucial problems faced by women worker for the first time, the court also set out detailed guidelines to meet the problem effectively. Sexual harassment means any unwelcome sexually determined conduct. Each incident of sexual harassment at the place of work, results in violation of the fundamental right of gender equality and the right to life and liberty. It is clear violation of the rights under article 14, 15 and 21 of the Indian constitution. One of the logical consequences of such an incident is also the violation of the victims fundamental right to carry on any occupation/trade or profession. Right to life means life with dignity.

## **14. Indecent Representation of Women (Prohibition) Act 1986 :**

Section 292, 293 and 294 of the Indian penal code (45 of 1860) deals with the law relating to obscenity. Section 292 is in respect of sale of obscene books and section 294 covers obscene acts and songs. A bill was introduced in the parliament to prohibit indecent representation of women through advertisement, publications, writings, paintings, and figures or in any other manner.

## **15. The Immoral Traffic (Prevention) Act, 1956 :**

In some of the states legislation on the subject of immoral traffic was prevalent but their provisions were not uniform. Many of the states had no such legislation. It was found necessary and desirable that a central law should be passed which will not only secure uniformity but also would be deterrent. In the meanwhile the government of India ratified an international convention for the suppression of immoral traffic in persons and the exploitation of the prostitution, held at New York in, 1950. With a view to implement the provisions of the said convention the suppression of immoral traffic in women and girls bill was introduced in the parliament. The bill was referred to the select committee for its recommendations. The select committee submitted its report to the Lok Sabha. Act 104 of 1956 the suppression of immoral traffic in women and girls bill having been passed by both the houses of parliament received the assent of the president on 30<sup>th</sup>

December, 1956. It came on the statute book as the suppression of immoral traffic in women and girls act, 1956 (104 of 1956). By section 3 of the suppression of immoral traffic in women and girls (amendment) act, 1986 (44 of 1986) the nomenclature of the act has been changed with effect from 26<sup>th</sup> January, 1987. Now it stands as The Immoral Traffic (Prevention) Act, 1956 (104 Of 1956).

#### **16. National Commission of Women :**

Several commissions had been set up by the government to look into the status of women in the Indian society. Successive commissions on women had noted in their reports the unequal status of women obtaining in every sphere of life and had suggested the setting up of the National Commission of women. Several women activists and voluntary action groups had also been making persistent demands for setting up of a commission for women. Keeping in view the desirability of a commission for women at the national level the National Commission for Women Bill, 1990 was introduced in the Lok Sabha on 22<sup>nd</sup> may, 1990 and passed by parliament and come in force in Jan 1992.

The national commission is to investigate and examine all matters to safeguard women to present annual reports to central government upon working of these safeguards to recommend measures for effective implementation of the safeguards to review the existing constitutional provisions and other laws affecting women and recommend amendments to take up cases of violation of constitutional provisions and other laws to look into complaints and take suo-motu notice of matters relating to: deprivation of women's rights; non-implementation of laws enacted in persons of women; non-compliance of policy decisions; guidelines or instructions with the aim of mitigating hardship and ensuring welfare and providing relief to women; to call for research and investigation into problems of discrimination against women and recommend strategies for their removal; to undertake step to suggest ways of ensuring; representation of women and identify factors responsible for impeding their advancement; to participate and advise on planning process of socio-economic development of women; to evaluate the progress of development of women; to inspect jails; remand home; women institutions or similar places; to make periodical reports in matters or difficulties of women and any other matters which may be referred to it by the central government.

#### **17. The Maternity Benefit Act, 1961 :**

The act provides that: employment of or work by women is prohibited during certain periods; rights to payment of maternity benefits; payment of maternity benefit in case of death of a woman; payment of medical bonus; leave for miscarriage; leave for illness arising out of pregnancy, delivery, premature birth of child; nursing breaks; non-dismissal during absence for pregnancy; no deduction of wages in certain cases.

#### **18. The Medical Termination of Pregnancy Act, 1971 :**

This Act provides for the termination of certain pregnancies by registered medical practitioners and for matter connected therewith or incidental thereto. Pregnancy can be terminated either at a hospital established or maintained by government or district level committee constituted by that government.

#### **19. The Family Courts Act, 1984**

From time to time, it had been urged by several organizations of women, other organization and individuals that family courts be set-up for the settlement of family

disputes. A family court was established for speedy settlement of family disputes. Accordingly the Family Courts Bill was passed by the parliament in 1984. The Act provides for the establishment of family courts with a view to promote conciliation in, and secure settlement of disputes relating to marriage and family affairs and for matters connected therewith.

#### **20. The Indian Evidence Act, 1872 :**

The act provides that when the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death.

#### **21. The Employees' State Insurance Act 1948 :**

This Act is to provide dependant's benefits, medical benefit, funeral expenses and maternity benefits.

#### **22. Factories Act, 1948 :**

This Act makes detailed provisions regarding health, safety and welfare of workers especially young persons and women in factories. Special provision for welfare of women has been provided like that of prohibition of woman's employment near cotton-openers; latrine and urinals for women; crèches; prohibition on deployment near machinery in motion etc.

#### **23. The Mines Act, 1952 :**

The Act provides that no woman shall, notwithstanding anything contained in any other law, be employed in any part of a mine which is below ground or in any mine above ground, except between the hours of 6a.m. and 7 p.m.

#### **24. The Beedi and Cigar Worker (Condition of Employment) Act, 1966 :**

The Act provides that no woman or young person shall be required to work on any industrial premises except between 6 a.m. and 7p.m.so as ensure the welfare and safety of women workers.

### **CHALLENGES FACING WOMEN**

A study of the history of tradition-bound Indian society will lead us to an inevitable conclusion that the process of transforming of Indian society into a modern society had been slow and it got momentum during the British period and the pace of change was accelerated during the post independence period. In the course of many centuries several ugly social customs, religious dogmas, usages and traditions developed and most of these were responsible for creating hindrances in the way of progress and prosperity of the nation. Sanctity was attached to these social evils and reformers were ostracized. The reaction of conservative people who wanted to maintain the status-quo was very sharp to any initiative for social reform. Indian society suffered from various social evils such as sati, child marriage, polygamy, infanticide, untouchability, Purdah system, caste system and ban on widow remarriage, which gnawed at the very vitals of the nation leading to paralyzing social life and economic stagnation. In Indian society the womenfolk had been the most exploited class. Although the situation has improved for some women however even now women have to face many challenges in their day to day life. These are:

### **(1). Female Foeticide and Infanticide**

The girl child is neglected from the womb to the tomb. She has to accept an inferior status in the socio-economic-religious set-up. Deep-rooted social prejudices ensure that she is shackled to a life of deprivation, humiliation, docility, blind obedience and total dependence. An analysis of data on the girl child reveals her invisibility which in turn reveals the deep-rooted social custom of neglecting the female and her constant devaluation in society. Earlier female infants were killed by family members so that their family is not humiliated later on. But now modern scientific techniques like amniocentesis and ultra sound have been widely misused as “sex determination tests” for selective elimination of female fetuses. The year 1956 when the first prenatal diagnosis of sex was made, sounded the death-knell for many female fetuses. According to available statistics between 1978 and 1983, 78,000 female fetuses were aborted in India, following sex-determination tests. A Bombay based survey in 1984 revealed that out of the 80000 fetuses aborted following such tests 7,999 were females.

### **(2).Neglect by Family**

In the sphere of health, surveys have shown that male children are breast fed for longer period than the female child, thus nutritional discrimination starts very early in life. A male child is breast fed ‘on demand’ but a female child is breast fed when the mother has time. An analysis of the national sample survey data shows that the interval between births is shorter after the birth of a girl than after the birth of a boy, indicating a shorter period of breast feeding for the female child, resulting in an earlier onset of ovulation and conception. This is because mother of a female child is not valued by the family but mother of a male child is valued and given adequate nutrition and rest by the family.

### **(3).Medical Neglect**

There is also considerable direct and indirect evidence of a higher mortality among female children. Male children are brought to hospital for treatment whenever they fall ill, but the girl-child’s illness is often neglected and she is often brought to the hospital at the last moment, when she cannot be saved. This is especially true of rural areas. A study conducted in Karnataka revealed that of the total number of child patients at a health centre, 74.1% were boys.

### **(4).Deprivation of Educational Opportunity**

Girl children, especially in the rural areas, are rarely sent to school. Instead, they are tied down to domestic chores for example helping their mothers in cooking, fetching water, tending cattle, making cow dung cakes, looking after the younger siblings and so on. This is largely due to our traditional social conditioning that a woman’s place in her home. The little girl-child watches enviously as her brother goes to school or frolics outside with other boys-knowing that these little joys are not in her fate. Conservative cultural values, coupled with assumption of domestic responsibilities dictate the girl-child’s withdrawal from formal education. Hence female literacy rates are very low in india-39.42 %( 1991 census). Although female literacy rates vary from state to state. The drop-out rate for

girls is very high and many of them relapse into illiteracy. In absolute terms the number of illiterate females is increasing with time and faster than the male illiterates.

#### **(5).Sexual Abuse of Girl Child**

A girl child is further vulnerable because of her sex. She is often subjected to molestation, physical assault and even rape. Even inside her home, she may not be safe, as instances of incest are not uncommon. When the father is a drunkard, the girl child in many cases is physically assaulted, abused and intimidated. All these leave an indelible impression on her young mind. Child abuse is growing in India and reports of 50- years-old males raping 5-months old girl babies often appear in the press.

#### **(6).Child Marriage**

The practice of child marriage continues unabated in Rajasthan, Bihar and other states, in spite of the existing Child Marriage (Restraint) Act, 1978. This act has fixed the minimum age of marriage for boys at 21 and for girls at 18 and marrying a girl earlier has been made a cognizable offence. However such laws are often blatantly violated. During 'Akha Teej' every year, hundreds of innocent young girls are made to tie the marital knot, in an effort by their parents to pass of the responsibility. Resulting in a number of child widows who have to spend their entire life in abysmal conditions. Early marriage denies the girls an opportunity for development and increases the risk of higher number of low-birth babies and child deaths, disabilities, maternal deaths, gynaecological problems and an increasing number of pregnancies to replace lost children. Researchers have shown that a girl needs 4-5 years for physical growth after she attains puberty. This is denied when she is married off young and leads to a vicious cycle.

#### **(7). Prostitution**

Many women are forced into prostitution either by their parents, husbands, boyfriends or as a result of the difficult economic and social conditions in which they find themselves. They are also lured into prostitution, sometimes by 'mail-order bride' agencies that promise to find them a husband or a job in a foreign country. As a result they very often find themselves illegally confined in brothels in slavery like conditions where they are physically abused and their passports withheld. Most women initially victimized by sexual traffickers have little inkling of what awaits them. They generally get a very small percentage of what the customer pays to the pimp or the brothel owner. Once they are caught up in the system there is practically no way out and they find themselves in a very vulnerable situation. Since prostitution is illegal it is difficult for prostitutes to come forward and ask for protection if they become victims of rape or want to escape from brothels. Customers, on the other hand, are rarely the object of penal laws.

#### **(8).Molestation and Eve-Teasing**

Women and girls are subjected to various forms of molestation, physical and mental torture and eve teasing in home, streets, public places, places of entertainment, educational institutions, prisons, rescue homes, markets, festivals, railway platform and bus stands, running trains and buses, workplace, etc. Of the total crimes against women committed in one year in our country, about 25% are molestation crimes.<sup>56</sup> The traditional

form of eve-teasing by passing remarks has been replaced with such broken acts as dupatta snatching, back patting and in some cases even forced kissing.<sup>57</sup> Eve teasers pinch, poke and touch women on the sly and sing obscene songs to embarrass them. Eve teasing has also taken the form of telephoning girls or women and uttering obscene and suggestive words.

#### **(9). Torture**

Women are tortured by husbands, in-laws, parents, siblings and other relatives. Of all crimes reported against women in India, incidence of torture is the highest. Of the total crimes against women (106471) reported in 1995, 29.2% were cases of torture. Though husbands and in-laws are more accused of torture cases, yet often brothers and fathers also torture their sisters and daughters.

#### **(10) Rape**

Rapes occur in the family, as well as outside family. It also occurs in situations of armed conflict and in refugee camps. Virginity is valued by man yet it is man who violates it and commits rape. A man is said to commit rape if sexual intercourse is against her will; without her free and voluntary consent; when the man knows that he is not her husband; with her consent, when her consent is given under the misconception of fact and with or without her consent, when she is under sixteen years of age.

#### **(11) Dowry**

Dowry atrocities range from physical and mental torture of brides for insufficient dowry. These include domestic violence like bride beating, bride burning, suicide and murder. Cases of dowry deaths are punishable. The genesis of dowry deaths lies in the tension created by persistent demands, accompanied by torture, for dowry. The total number of deaths was 4,836 in 1990; 5817 in 1993; 4935 in 1994 and 5092 in 1995. Most cases were found in Uttar Pradesh (36.3%) followed by Maharashtra (9.2%), Andhra Pradesh (7.1%) Haryana (4.3%). Most dowry homicides occur in the privacy of the husband's house and with the collusion of the family members. Courts, therefore, admit their inability to convict anyone for lack of proof. Such incidents have their origins in social, economic and psychological factors, too deep-rooted to be tackled by amending the law.

#### **(12) Kidnapping and Abduction**

Kidnapping is of two kinds (i) kidnapping from India and (ii) kidnapping from lawful guardianship. Kidnapping from lawful guardianship means taking or enticing away a minor or person of unsound mind. Abduction means forcible compulsion or inducement by deceitful means. Kidnapping from guardianship is committed only in respect of minor or person of unsound mind, but abduction can be of any person. There take place for purpose of begging, marriage, sexual, exploitation or prostitution women and girls are often victims of this crime.

#### **(13) Wife Battering**

Wife battering or domestic violence can range from slaps and kicks to breaking bones, torture, attempted murder and even murder itself. Sometimes, the violence may be related to drunkenness demand for sex; or a refusal to obey. Some husbands keep their wives effectively as prisoners and insist on controlling their every movement and keep watch on their activities.<sup>68</sup> The common public image of the battering husband is of a working class male; but male violence crosses class boundaries and has no association with poverty or lack of education. As wife battering is concealed from the public eye, it is difficult to estimate its extent in society..

#### **(14) Neglect of Elderly Women**

Elderly women face the problem of housing, crime, accidents, neglect, health, finance, care and violence from family members. Living alone is a common experience for elderly women. So too are the problem which individuals face when they live alone. Fear of crime, lack of repairs and the danger of home accidents are every-day experiences for many elderly women. Elderly women have a higher fear of crime than men.

#### **(15) Custodial Violence against Women**

Custodial violence against women is violence by the very people who are supposed to protect them i.e. members of law enforcement and criminal justice systems. Women are physically or verbally abused and they also suffer sexual and physical torture. Thousands of women held in custody are routinely raped in police stations.

#### **Conclusion:**

Thus women in India face human rights abuse in various ways. There are laws to deal with some abuses like foeticide, child marriage, dowry, domestic violence but they do not work due to corruption and lack of work culture. Some abuses even laws do not exist such as honour killing. When human rights abuses against women are brought under control only then India can achieve its true potential. This is not to say that since that India gained independence in 1947 nothing good has happened for Indian women.

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