



VIOLENCE AGAINST WOMAN AND HUMAN RIGHTS: ISSUE AND PERSPECTIVES

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ABSTRACT

Violence towards the women was seen as a natural expression of male dominance in the house, and Society. Sometime, the women belongs to marginalized communities are also denied to access the avenues of power, and thereby the decision-making structures which was affected in every aspect of their lives. The Constitutional framework adopted the inclusive policy for Welfare and protects the rights towards the women including marginalized communities. Similarly, the parliamentary provisions also have to ensure the dignity of women, and enforced some important legislative acts for prevention of all forms of violence against women. The duties of state to improved policies and much needed to protect the rights of women victims of male violence. Besides, the Notion of universal human rights has some important privileges to protect and deal justice to women including also marginalized communities. There are number of issue has been identified internationally and regionally the problems of violence against women based on gender discrimination and infringement of human rights one of the critical concerns for women all over the world.

In this research the secondary data from books, articles, journal, newspaper etc. have been used. This paper is prepared with the help of data which is collected data collected from crime Record Bureau, Government of Goa.

Keywords: Privileges, Parliamentary, Legislative, Human Right, Status.

INTRODUCTION

The different dimension of the problems of violence against women, gender discrimination and infringement of human right (savitir Goonsekere, 2004).The Gender based inequity is an age-old phenomenon. The violence against women is largely a manifestation of their lower status in the society. The concept of women's human rights was a fairly new concept in the world. It's



gained the momentum particularly after the World Conference at Vienna in 1993, and the Beijing Declaration and Programme of action, 1995.

In the context of International human rights law, it may be considered as a leading concept of women's human rights. Because throughout the substantial body of international law, there has been attempt to define the exact sphere of women's human rights, and enumerate rights which might be said to be peculiar to women's human right. Therefore, it is realizing that women's human right to personal security, personal liberty and range of Socio-economic rights.

In the Connection between violence against women and human rights in south Asian countries has been strengthening by the ratification of international human rights treaties known as the United Nations Convention on elimination of All Form of Discrimination against women (CEDAW) (savitir Goonsekere, 2004 pp.14)..

The Responsibilities of states to take the complementary steps for adopting the convention in their domestic law, and monitoring to enforced law against them in their domestic courts before the regional and international human rights tribunals.

Such as the treaty of bodies of the Human Right Committee to Monitoring the International Declarations of various Covenants on civil and political rights, as well as the Committee on the international convent on economic ,Social and cultural Rights

It provides that the rights which the International community are also recognizes as human rights shall be available to all irrespective of their sex. It also analyzed that the women's human rights that the member of states those who signed the Women's Conventions are agreed to respect women's rights solely in the term of Gender discrimination.

As a part of the changing society the women play an important role in public life within the society. Hence, it is a necessary to understand the concept of women's human right and considers the issue of violence against women by the state, as an infringement of gender equality, civil liberties and socio-economic rights (savitir Goonsekere, 2004).

However, the social movements were also able to make only ripples as numerous groups including as women, ethnic and religious minorities and workers. All those groups were seeking to change their Socio-economic and political circumstances.

It was emphasis on both municipal as well as international law, only on the elimination of discrimination against women. At the national and international level has been developed a set of legislative reform which seek to place women in the same position or situation as man.



Position of Women's Rights in view of Constitutional provisions.

The Constitution of India was framed the inclusive policy for welfare of the whole society by means of Social Justice, and also availed the rights of the citizen. The provision of India Constitution such as preamble, the fundamental rights -Part-III, and directive principles of States Policy Part – IV have resemblance with the Universal Declaration of Human Rights.

In Article 51(c) further respect for international law and treaty to obligation deals the organized peoples with one another. The India has been ratified various international conventions, covenants and to protocols on Human Rights. But India has bound the international law and assumed the responsibility to provide and protect rights of the women.

The Constitution of India have significant provisions are either directly aimed at furthering the goals of the social, economic, Political and Cultural Revolution.

But the preamble of the Indian constitution aims at bringing the equality of status and opportunity as obviously includes the women. This objective has been achieved by providing equality clause, and also expressly prohibits discrimination on the basis of sex among others.

Even the Constitution of India contains both positive as well as negative provisions regarding towards of women. Yet, it has to go a long way in securing gender justice under the umbrella of women's human right.

The Preamble, Fundamental rights and the Directive Principles covered almost the entire field of the Universal Declaration of Human Rights. The constitution of India lay down certain provision that in case violation of such rights of women may be protected by judicial remedy as provided by the supreme court under articles 32 and by the High court under articles 226 in the form of writ jurisdiction.

Against there is an elaborated system of enacted laws adopted in accordance with the provisions of the constitution to protect the rights of women. After Independent of India, some more laws have been enacted for the purpose of eliminating discrimination towards women.

The provisions related to fundamental rights have been enshrined in articles -12 to 35 are applicable both men and women. Though, these rights are equally accessible by both men and women .But in practice the women are found to be more vulnerable, and their rights are frequently violated.

The constitution of India stated under articles 14 that “the State shall not deny to any person equality before the law or equal protection of laws within the territory of India, and also article



15 prohibition of discrimination on grounds of religion, race, caste, sex or place of birth” (P.M.Bakshi, 2016 pp.19).

Under clause (2) stated that “No citizen shall, on ground only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment; or the use of well, tanks bathing Ghats, roads and places of public resort maintained wholly or partly out of state funds or dedicated to use of general public. It also permits that the state to make any specific provision for women and children” and also have states special provision for advancement of any socially and educationally backward classes of citizens or for the scheduled castes and the Scheduled tribes” (P.M.Bakshi, 2016 pp.35).

Again, in cases of equality of opportunity, public employment etc., and no citizen shall, on ground only of religion, race, caste, sex, decent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state”.

The 73rd and 74th Constitutional amendments was passed by the parliament in 1992, the reservations of seats for women in Panchayat and Municipalities .And the Municipal have been incorporated by inserting Articles-243(d), and 243(t).

According to the mandate of Article-243(b) of the Constitution in Panchayat, not less than one third of the total number of seats has been reserved for women in every Panchayat. All seats may be allotted by rotation to different Constituencies in a Panchayat, and which shall be not less than one third of total number of seats.

Article-243(t) of the constitution makes similar provision regarding reservation of seats for women in the Municipalities. Thus, the Government on the strength of the Constitutional powers made only a reservation of 33% seats for women in the local bodies. Recently, the Parliament seeks to introduce the 81st Constitutional Amendment Bill seeking to reserve one third of seats in Lok Sabha and State Assemblies for women, though the Bills have not yet been passed.

Articles- 19 to 22 of the constitution deal with the right to freedom. It includes articles 19 deal with protection of certain right regarding freedom of speech; articles 20 stated the protection in respect of conviction for offences, and articles 21 of constitution provide protection of life and personal liberty guaranteed this right to women also. But the right to life, liberty, dignity and security of a person are the basic, inherent rights, irrespective of the sex and Act-21 of the Constitution incorporated these provisions.



In Article-21(A) of the Indian constitution provide the Right to Education and under this article it stated that “the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the state may, by law, determine. Similarly, Article-23 of the Constitution provides the prohibition of traffic in human beings and forced labour.

It has been also incorporated the Directive Principles of State Policy contained in Part-IV of the Constitution of India and directives to the State to take the steps for improve the status of women and for their protection by way of enacting the laws.

The Directive Principles of State Policy detailed in article-37 to 51 of the Constitution and possess mainly, two characteristics - First, they are not enforceable in any court in general and therefore, if a directive is violated no remedy is available to the aggrieved party by judicial proceedings. Secondly, the fundamental rights which as contained in part III of the Indian constitution which as governance of the country. It’s a duty of the State to apply these principles while in making of laws.

Thus, the directive principle aimed at securing social and economic freedom to women by appropriate action. Therefore, article-39(a) particular direct the State to make the policy towards securing the rights of “the citizen, men and women equally, have the right to an adequate means of livelihood”. Article-39(d) directs the State to secure the right to ‘equal pay for equal work for both men and women”. Article-39(e) specifically directs the State not to abuse the health and strength of worker, whether men or women (P.M.Bakshi, 2016 pp112). Article-42 of the constitution directs “the State shall make provisions for securing just and humane conditions of work and for maternity relief” (P.M.Bakshi, 2016 pp.115).

Again, Article-44 directed to the State to secure for citizens a uniform Civil Code throughout the territory of India. Article-39A of the Constitution also provides to “equal justice and free legal aid. Thus, Article-51A (e) of the Constitution says about the duty of the citizen to renounce practices which are derogatory to the dignity of women (P.M.Bakshi, 2016 pp.121).

Legislation and Law Reform Indian.

The constitutional mandate directed to the central as well as state to enact the various legislative measures intended to ensure equal rights to women. It counters the social discrimination on various forms of violence and atrocities against women in society, and also to provide support service especially to working women. The characterized as crime against women which are broadly classified under two categories.

Such as the process of identification of various crimes shall take place under the Indian penal code (IPC). It includes as the Rape, Kidnapping & Abduction for different purpose, Homicide



for Dowry, Dowry Death or their attempts, Torture, both mental and physical, Molestation, Sexual Harassment, (Sec.509 IPC) and Importation of girls up to 21 years of age.

Besides some other provision of law has been affecting the women significantly which have been reviewed periodically and time to time amendment has carried out to keep pace with the merging requirements.

Another process of identification of crimes under the special laws, and there are some acts which have special provisions to safeguard women and their interest. It includes as the employees state Insurance Act,1948, plantation Labour Act,1951, family courts Act,1954, Special Marriage Act,1954, Hindu Marriage Act,1955, Hindu Succession Act, 1956 with amendment in 2005, Immoral Traffic (prevention) Act, 1956, Maternity Benefit Act,196(Amended in 1995), Dowry Prohibition Act,1961, Medical Termination of Pregnancy Act,1971, Contract Labour (regulation and Abolition) Act,1976, Equal Remuneration Act,1976, Prohibition of child Marriage Act, 2006, Criminal Law (Amendment) Act,1983, factories (Amendment) Act,1986, Indecent Representation of women (prohibition) Act,1986, Commission of sati (prevention) Act,1987, protection of women from Domestic violence Act, 2005.

Special Central Government Initiatives for women.

The Central Government has setup the National commission for women, in January 1992. According to this commission the Government set-up the statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women. It also review that the all existing legislation to suggest for amendments whenever necessary etc.

The 73rd and 74th Constitutional Amendment Acts, 1992 was passed by parliament for reservation for women in Local self-Government and Municipalities. It also ensures that not less than one-third of the total numbers of seats Reserved for women in all local bodies and Municipalities.

The central Government has setup the National plan of Action for the Child in the year of 1992-2000. According to the National plan of Action to ensure for survival, protection and development of the girl with the ultimate objectives of building up better future for the girl child.

Again the Central Government framework, the National policy for the Empowerment of women was passed in 2001. This policy was prepared by the department of woman & child Development, Government of India, under the ministry of Human Resources Development,



Government of India. The main objective of the National policy for the Empowerment of women was advancement, development and empowerment of women in the society.

International Prospective of human Rights of women's.

The United Nations is committed to the principle of equality of men and women, meaning the equality in their dignity and worth as human beings as well as equality in their rights, opportunities and responsibilities. The United Nations Charter was the first to affirm explicitly the equal rights of men and women in its preamble and to lay down a person's sex among the prohibited grounds of discrimination, alongside race, language and religion.

Moreover, the charter proclaimed human rights to constitute one of the main purposes of the United Nations. Specifically, these main purposes are to achieve international cooperation in solving women problems on aspect of a Socie-economic, cultural, political and humanitarian ground.

The International human right body has been promoting and encouraging the women human rights and fundamental freedom without any distinction of race, sex, language or religion.

By the charter all members of the United Nations are legally bound to strive towards full realization of all human rights, and fundamental freedom. The explicitness of the charter regarding equal rights for women was thereafter refined in multitude of international human right treaties.

The violence against women is a part of the human right violation in the state. As human rights of women issue it has also enshrined in the International all Convention on the Elimination of All Forms of Discrimination against women (CEDAW), and other international and regional human rights instruments.

The main root cause of violence against women is a gender inequality. It's a duty of the state to oblige the international human right law to promote, and protect the interest of human rights of women. In order, the intervention should be designed and implemented with this understanding of laws.

Another important issue of gender-based violence was one of the major problems of women in all around the world. The international human right body came to know, that many decades the violence against women's was not taken in seriously as an issue of human rights. The international human right issue of women was more controversial, and difficult to deal issue.



In 1991 when the UN States was declared that the violence against women's to be conflicting issue with human rights. It was followed by a number of other declarations, which as to be identifying the violence was a form of discrimination against women.

Again in the year of 1994, the UN appointed a special rapporteur to version of a detective and examines the causes and consequences of violence against women. For last many decades, such as domestic violence, honour killings, female genital mutilation, rape in conflict, marital rape, trafficking for exploitative labour and forced sex, are now firmly on the international agenda. Similarly, the Violence against women was committed in the home, society, within the community or by the State is now a matter for international human right issue.

However, the human rights of women are explicitly set out in the Universal Declaration of Human Rights 1948, International Covenant on Economic, social and Cultural Rights, 1966 and International Covenant on Civil and Political Rights, Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others 1949, Equal Remuneration Convention 1951, Convention on the Political Rights of Women 1952, Convention on the Nationality of Married women, 1957, Declaration on the Elimination 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 Participation of Women in Promoting international peace and co-operation, 1982, The Vienna Declaration and Programme of Action 1993, Declaration on the Elimination of Violence against women. 1993, Beijing Declaration and Platform for Action (4th World Conference on Women), 1995, Optional Protocol to the Convention of the Elimination of Discrimination against Women, 2000 etc also deal with women Rights and other widely adhered to international human rights treaties and Declarations.

By way of legal machinery provided by framework of international human rights the redressal of t women's genuine grievances peculiar to their nature need to be seen.

Status of Violence against women in the state of Goa.

The gender based violence against women was a complex and widespread issue in the society. It constitutes one of the most serious forms of violation again women's human rights issue in Goa. The International the definition of violence against women was adopted in the domestic violence Act 2005 by the Goa Government.

The Gender discrimination is root cause of violence against women and its need to be located within the gender equality framework. So there are some misconceptions within the

communities and society related of gender equality means those women only for Service purpose.

The gender equality refers to women and men as social role model and need to be constructed socially and culturally behavior. The gender creates different roles for women and men for taking on account of unequal power relations between women and men. The important data was highlighting of human right violation related to women in the state as follow as under.

1.1. Table show number of Number of crime of against women.

Sr. No.	Crime against women.	Year			
		1971-1980	1981-1990	1991-2000	2001-2013
1.	Rape or Sexual assault	03	29	111	965
2.	Attempt to Rape	-	--	-	03
3.	Kidnapping & Abduction	03	48	108	621
4.	Dowry	-	03	72	306
5.	Dowry death	-	01	21	65
6.	Torture	-	-	-	30
7.	Cruelty	-	4	52	598
8.	Molestation	-			08
9.	Sexual harassment	-	13	66	464
10.	Domestic violence	-	-	-	24
11.	murder	3	16	82	625
12.	acid throwing	-	06	05	01
13	prostitution and trafficking	-	34	134	516
	Total crime against women	09	154	805	4226

Source: Data collected from crime Record Bureau in Goa under RTI Act, 2005.

According to the data of crime Record Bureau stated that the total number of crime of raped including with attempt to Rape 1108, Kidnapping & Abduction 780, Dowry harassment 381, dowry death as 87, Torture 30, Molestation 08, Sexual harassment 543, Domestic violence 24, murder 725, Acid throwing 12, prostitution and trafficking 684 were Committed against women and registered case in various police in this state of Goa. Beginning from 1971-1980 the total crime was up to 09, and thereafter the crime rate was slowly increase upto 154 in between 1981-1990. In order 1991-2000 the total crime rate was increased upto 805 and in the period of 2001-2013 the total crime was highly increased 4226.



However, the violation of human rights was increased day by day, and state official unable to prevent such kind of crime against women. In order, the Rape and Sexual Assault may take place in the form of threats, coercion, or physical violence and act without her consent. The rape causes the physical injury to women and also additional effects on the victim.

The violation of the rights of women in Goa results the following major areas, under which normally, human rights violation occur such as Kidnapping, Rape, Molestation, cruelly, dowry harassment, dowry death, domestic violence, trafficking, Divorce and Maintenance and extrajudicial killing or missing.

The study necessitated for collection of detailed case history of women victims together the nature of human rights violation of women. In most of the cases like rape, outrage of modesty, grievous hurt etc., kidnapping is the first step of crime against women which is followed by rape, outrage of modesty etc. Secondly, the Dowry harassment is an emerging phenomenon in Goa in comparison to the other States of India. Yet, the situation leads to suicide and even murder.

In Goa human trafficking of women and girls both are exploited for prostitution purpose, which as infringement of the human rights of women's. The tourism was widespread and the availability of drugs also contributes the trafficking related vulnerability and exploitation of women and girls in the state of Goa.

The state like particularly in Goa the trafficking of women and girls for various purposes such as drug trafficking, labour, bar girl and prostitution. Due to poverty, unemployment, gender inequality, inadequate legislation and lack of enforcement of law which as enables trafficking of women and girls to thrive in the prostitution. Generally, the other state the poor family was practice to send their children to work for wealthy family in the urban or rural areas and this practice has been exploited by the trafficker. The State and Non-governmental organizations (NGOs) also take an important part for finding out the facts on human right violation against the women.

CONCLUSION

The first and most important task is to socially redefine the concept of violence against women. It means that the peoples should realize that all these violent acts can occur in many circumstance and peoples will not acknowledge them.

The state should examine the crime against women through the victim and offenders background. It is necessary that more and more women's organization be developed to create



awareness among women to struggle against their oppression and to fight the men who exploit, and humiliate to women.

The Significant step toward the recognition of the right of women was achieved in the year 1979. Only when the United Nation General Assembly adopted the convention on the elimination of all forms of Discrimination against women in the year 1979 was opened to ratification by states.

The international human rights law tackles the oppressed position of women worldwide. The effort being made to elimination the historic injustice perpetrated against women. But it also for creating and fair societies based on the respect and integrity of all human being irrespective of their gender.

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