

## HUMAN RIGHTS OF WOMEN

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Human rights are those minimal rights which every individual must have by virtue of his being a member of the human family irrespective of any other consideration. As these rights are usually abused by the State of public authority, they are available against the State or public authority.

The Charter of the United Nations which was adopted on June 25, 1945 at Sanfransisco used the expression 'human rights' for the first time. The Preamble of this charter declared that the United Nations shall have for its object *inter alia* 'to reaffirm faith in fundamental human rights' and Article 1 thereafter stated that the purposes of the United Nations shall be among others, 'to achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion'.

The first concrete step by way of formulating the various human rights was taken by the United Nations General Assembly by adopting in December, 1966 two covenants for the observance of human rights - (a) The Covenant on Civil and Political Rights - (b) The Covenant on Economic, Social and Cultural Rights.

The former formulated legally enforceable rights of the individual and the latter was addressed to the state to implement them by legislation. These covenants came into force in December, 1976 after the requisite number of member states (35) ratified the covenant subsequently numbering 69 at the end of 1981. These covenants are, therefore legally binding on the ratifying states.

In addition to these general international covenants, the Commission of Status of Women and the Third Committee of the General Assembly preponed the declaration of Elimination of Discrimination against Women 1967 which was adopted by unanimously by the United Nations General Assembly. The members of the General Assembly felt that despite the charter of United Nations, the Universal Declaration of Human Rights, the International Covenants of Human Rights and other instruments of the United Nations and specialised agencies and despite the progress made in the matter of equality of rights, there continued to exist considerable discrimination against women. They considered discrimination against women as incompatible with human dignity and with the welfare of the family and of society. It was felt that this prevented their participation on equal terms with men in the political, social economic and cultural life of their countries and is an obstacle to the full development of the potentialities of women in the service of their countries and of humanity. The text of the declaration stated that the members are convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields.

Article 1 of the declaration declared that discrimination against women denying or limiting as it does their equality of rights with men is fundamentally unjust and constitutes an offence against human dignity.

Article 2 declared that all appropriate measure shall be taken to abolish existing laws, customs, regulations and practices which are discriminatory against women and to establish adequate legal protection for equal rights of men and women.

Article 3 declared that all appropriate measures shall be taken to educate public opinion and to direct national aspirations towards the eradication of prejudices and abolition of customary and all other practices which are based on the idea of the inferiority of women.

Article 6 of the declaration suggested conferment upon women married or unmarried of equal rights with men in the field of civil law.

Article 8 declared that all appropriate measures including legislation shall be taken to combat all forms of traffic in women and exploitation of prostitution of women.

Article 9 of the declaration states that all appropriate measures shall be taken to ensure to girls and women married or unmarried equal rights with men in education at all levels.

Article 10 declares that equal rights with men have to be ensured to women, married or unmarried in the fields of economic and social life.

At the national level, a number of laws have been enacted to protect women against crimes and also for the welfare of women including some provisions in the Constitution of India.

Articles 14, 15, 16 and 39 of the Constitution ensures equality before law and equal protection of laws, right to an adequate means of livelihood and equal pay for equal work. Article 51A (e) of the Constitution prohibits practices derogatory to the dignity of women.

Sections 304-B (Dowry Death), 312 (Causing miscarriage), 313 (Causing miscarriage without woman's consent), 314 (death of the woman caused by act done with intent to cause miscarriage), 354 (outraging the modesty of a woman), 375, 376, 376-A, 376-B, 376-C and 376-D (Sexual Offences), 498-A (Cruelty by husband or relatives of husband) and 509 (insulting the modesty of a woman) of the Indian Penal Code define certain offences against women and prescribe punishment for them.

Child Marriage Restraint Act, 1929 (restraining marriage of girl-children below 18 years), Dowry Prohibition Act, 1961 (prohibiting the practice of taking or giving dowry as a consideration for marriage),

Immoral Traffic (Prevention) Act, 1956 (preventing and punishing promotion of immoral traffic in women and children), Indecent Representation of Women (Prohibition) Act, 1986 (prohibiting and punishing indecent representation of women), Maternity Benefit Act, 1961 (bestowing maternity benefits of working women) Commission of Sati (prevention) Act, 1987 (prevention the social evil of burning and burying the widows), the Medical Termination of Pregnancy Act, 1971 (legalising abortion in certain cases in the interest of the health of women), Equal Remuneration Act, 1976 (providing equal pay for equal work to women) are examples of certain social and economic welfare legislations made to safeguard the interest of women in India.

But, the human rights in respect of women are not violate only at the national or international level. The human rights of a woman are being violated from the womb to the tomb. She is discriminated against by her parents themselves. A girl-child is not welcome in most of the Indian homes in this 21st Century also. Tests to detect whether an unborn child is a male or a female are conducted and if it is detected that it is a female, the woman is forced to undergo abortion against her will. We have laws against such tests and abortions, but there are of little use practically. Thus, the violation of rights (may be, we cannot call it human because it has not yet taken birth) starts from the womb. Even during her brought up, preferential treatment is meted out to the boy-child regarding health-care, educational opportunities and recreational and extra-curricular activities. Systematic tuning of her mind from generations that her constitution is weak, however much she may try, she cannot become as strong as a man, physically and emotionally; that she has to be protected by; a man, be it father, brother, husband or son; that whatever maybe the aspirations, she must ultimately marry and that has to be the ultimate goal of her life has resulted in her physically and emotional weakening. A girl-child is treated as a burden

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