

Human Rights Of Women In The Constitution Of India: A Sociological Study Of University Going Girl Students Of Agra

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ABSTRACT:

India is one of the world's oldest civilizations and most matured and successful democracy. It adopted the biggest Constitution of the world in 1949, contains several articles incorporating the concept of equality, liberty and non-discrimination on the ground of sex. It recognizes human rights in the form of various fundamental rights and guarantees equal rights to both men and women without any discrimination. In 1993 the Parliament of India also enacted Protection of Human Rights Act. under the provisions of the act, NHRC was organized. At present time, women in India with the expansion of level of literacy which has made them more aware of their rights such as right to equal treatment, right to property, right to work, and maintenance and a majority of them are still unaware about their rights. As a result of this unawareness, they face discrimination, harassment, exploitation and injustice. Therefore, there is a need of promoting & protecting all human rights in order to secure full & universal enjoyment of these rights to women also.

KEY WORDS: Human rights, sexual violence, physical violence, mental violence, human rights violation.

REVIEW OF THE LITERATURE:

A number of studies have been conducted by several academicians, researchers, media organizations and research organizations. A few of are- Kabeer (2001) Reflections on the Measurement of Women's Empowerment, Brysk (2002) Globalization and Human Rights, Donnelly (2003) University Human Rights in Theory and Practice, Alam1 & Halder (2018) in Human Rights and Right to Education in India felt the need of human rights education in India, Rana (2018) Human Rights in India: Historical Perspective, Spipati (2020) Human Rights in India- Fifty Years after Independence, did a detailed study on human rights.

India is the biggest democracy in the world with lots of human rights challenges. The major part of population of India resides in villages and remote areas which do not get sufficient education support. About 25% of the population is illiterate. Problems like human trafficking, exploitation of women commercially and sexually, religious violations, caste related issues are some examples leading to human rights violations. Moreover, many prisoners in India are also denied their human rights. If human rights are violated in India the biggest democracy in the world will be in danger. In Women Empowerment, India is on 130th place out of 182 countries worldwide (UNDP: 2018).

INTRODUCTION:

HUMAN RIGHTS IN INDIAN SCENARIO:

The Constitution of India came into force on 26th January 1950 with 395 Articles and 8 Schedules, is one of the most elaborate fundamental laws ever adopted. The Preamble to the Constitution declares India to be a Sovereign, Socialist, Secular and Democratic Republic. It gives a feeling that we all are equal irrespective of the race, religion, language, sex and culture. The Preamble of the Constitution pledges justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and fraternity assuring the dignity of the individual and the unity and integrity of the nation to all its citizens. The section 2(d) of the Protection of Human Rights Act, 1993, defines human rights as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by the Courts in India. One of the unique features of Indian Constitution is a large part of human rights are included in Fundamental Right. The Fundamental Rights incorporated in the Constitution is considered as the Magna Charta of individual's liberty and Human rights. Even before independence; the framers of our Constitution, took utmost care and attention to include the basic human rights of all human beings and embodied them in the Preamble and Part III of the Constitution.

STATEMENT OF THE PROBLEM:

Women often are the most vulnerable and exploited group since centuries in our society. This is equally true in Indian scenario also where the constitutional guarantees have not had much impact on their lives. In India, members of different religious communities are governed by their personal religious laws and traditions in matters pertaining to marriage, divorce, inheritance etc. These laws are in many respects discriminatory of women's human rights. In the absence of an Uniform Civil Code women have no escape from the oppressive clutches of their personal laws and traditions and their emancipation remains a far cry. The Supreme Court has called upon the government to

introduce an Uniform Civil Code to pave the way for women's liberation and strengthen national unity. There is a wide range of constitutional arrangement for the protection of women's human rights. Moreover, a number of women oriented specific legislation have also been enacted. Such laws prescribe punishments for those who violate the acceptable norms of human behaviour and cross the legal boundaries to attack the women or their dignity.

RESEARCH QUESTIONS:

The major research question of the study was to study the Constitutional Arrangements for the protection of Women's Human Rights.

The other research questions are as follows-

- What are the constitutional arrangement for the protection of women's human rights?
- How much human rights are enjoyed by the university going girl students in our society ?

RESEARCH METHODOLOGY AND RESEARCH DESIGN:

The descriptive research design was used to describe the enjoyment of human rights among university going girl students of Dr. B.R.A. University Agra. A sample size of 40 girl students was selected with random sampling. Primary data was collection through structured questionnaire and secondary data was also used to fulfill the needs of the study.

FINDINGS OF THE STUDY:

The major findings based on primary data collection through questionnaire are as follows:

Women's Human Rights and the Constitutional Arrangements:

The Constitution of India is the supreme law of nation; all other laws get authority from the provisions of the Constitution. The preamble of Indian constitution ensures the basic human rights of all men as well as women and for all its citizens Justice- social, economic and political, Liberty- of thoughts, expression, belief, faith and worship, Equality- of status and of opportunity and dignity of the individual and the integrity of

the nation. The constitution of India is known for its idea of equality among men and women.

Right to Equality: Under the constitutional arrangements the status of women is equal to men

in the eyes of law, the state does not deny to any person's equality before the law. There is the equal protection of laws to all within the territory of India.

S. No.	Right to Equality Enjoyed by the Respondents	Frequency	Percentage
1	Full	24	60
2	Partial	9	22.5
3	Not Enjoyed	5	12.5
4	Can Not Say Anything	2	5
5	Total	40	100

Right Against Discrimination: Any citizen in India can not be discriminated on the basis of sex religion, race, caste, and place of birth or any of them. No citizen shall, on any above grounds 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 wells, tanks, bathing Ghats, roads and places of public resort maintain wholly or partly out of state funds or dedicated to the use of the general public.

S.No.	Right Against Discrimination Enjoyed	Frequency	Percentage
1	Full	14	35
2	Partial	16	40
3	Not Enjoyed	6	15
4	Can Not Say Anything	4	10
5	Total	40	100

Right to Equal Opportunity in Public Employment: Every citizen of India including women are able to get equal opportunity pertaining to public employment, there is equality of opportunity for all, whether males or females, in matters relating to employment or appointment to any office under state.

S.No.	Enjoyed Equal Opportunity in Public Employment	Frequency	Percentage
1	Full	32	80
2	Partial	4	10
3	Not Enjoyed	2	5
4	Can Not Say Anything	2	5

5	Total	40	100
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Right to Freedom of Speech and Expression: Everyone including women can raise their voice for any matter affecting them by using their right under Article 19 (1) (a) of Indian Constitution which guarantees freedom of speech and expression to all citizens.

S.No.	Enjoyed Freedom of Speech and Expression	Frequency	Percentage
1	Full	17	42.5
2	Partial	12	30
3	Not Enjoyed	8	20
4	Can Not Say Anything	3	7.5
5	Total	40	100

Right to work: Recognizing such right in its structure Indian Constitution through article 19 (1) (g) provides the right to work to Indian women by ensuring freedom to all citizens for occupation, profession and business.

S.No.	Enjoyed Right to Work	Frequency	Percentage
1	Full	8	20
2	Partial	12	30
3	Not Enjoyed	18	45
4	Can Not Say Anything	2	5
5	Total	40	100

Right to Life and Personal Liberty: Indian Constitution provides right to live to all the citizens including women as per their own choice by constitutional guarantee that no person shall be deprived of his/her life or personal liberty except according to procedure established by law.

S.No.	Enjoyed Right to Life and Personal Liberty	Frequency	Percentage
1	Full	22	55
2	Partial	12	30
3	Not Enjoyed	4	10
4	Can Not Say Anything	2	5

5	Total	40	100
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Right Against Exploitation: The Constitution of India under article 23 protects against human trafficking and bonded labour, which works as a shield for women's safety and ensures their right to work. For implementing the idea of this article, Indian parliament enacted the Suppression of Immoral Trafficking in women and girls Act, 1956 which was renamed as the Immoral Trafficking (prevention) Act, 1956.

S.No.	Enjoyed Right Against Exploitation	Frequency	Percentage
1	Full	30	75
2	Partial	6	15
3	Not Enjoyed	2	5
4	Can Not Say Anything	2	5
5	Total	40	100

Right to Livelihood: Article 39 (a) provides that the citizen, whether men or women, equally have the right to an adequate means to livelihood.

S.No.	Enjoyed Right to Livelihood	Frequency	Percentage
1	Full	6	15
2	Partial	12	30
3	Not Enjoyed	4	10
4	Can Not Say Anything	18	45
5	Total	40	100

Equal Pay for Equal Work: Under article 39 (d), the Constitution of India ensures that the state shall, particular; direct its policy towards securing that there is equal pay for equal work for not only men but also women.

S.No.	Enjoyed Equal Pay for Equal Work	Frequency	Percentage
1	Full	5	12.5
2	Partial	2	5
3	Not Enjoyed	7	17.5
4	Can Not Say Anything	26	65

5	Total	40	100
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Right to Health: Through article 39 (e), Indian Constitution guarantees that the state shall, particular, direct its policy towards securing the health and strength of workers, men as well as women and the tender age of children.

S.No.	Enjoyed Right to Health	Frequency	Percentage
1	Full	15	37.5
2	Partial	15	37.5
3	Not Enjoyed	8	20
4	Can Not Say Anything	2	5
5	Total	40	100

Equal Justice and Free Legal Aid: Under article 39A of Indian Constitution provides assistance to those who are unable to afford legal expenses of lawyers. The state secures the operation of the legal system and promotes justice, on a basis of equal opportunity.

S.No.	Enjoyed Equal Justice and Free Legal Aid	Frequency	Percentage
1	Full	1	2.5
2	Partial	2	5
3	Not Enjoyed	2	5
4	Can Not Say Anything	35	87.5
5	Total	40	100

Just and Human Conditions of Work and Maternity Relief: Article 42 of the Constitution directs that the state shall make provision for securing just and human conditions of work and for maternity relief.

S.No.	Enjoyed Just and Human Conditions of Work and Maternity Relief	Frequency	Percentage
1	Full	1	2.5
2	Partial	1	2.5
3	Not Enjoyed	2	5
4	Can Not Say Anything	36	90

5	Total	40	100
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Right of Constitutional Remedies: In case of the violation of any of these fundamental rights, the aggrieved woman can move to the honourable Supreme Court and the High Court and file writ petition.

S.No.	Enjoyed Right of Constitutional Remedies	Frequency	Percentage
1	Full	1	2.5
2	Partial	2	5
3	Not Enjoyed	2	5
4	Can Not Say Anything	35	87.5
5	Total	40	100

INTERPRETATION OF RESULTS:

There is enough arrangements in the Constitution of India for the protection of human rights, social justice and socioeconomic development of women. The Constitution provide full guarantee of equality, liberty, justice, freedom of expression and right of constitutional remedies. Right of Constitutional Remedies is one of the most important protection of the violation of any of these fundamental rights (human rights), the aggrieved woman can move Supreme Court and High Court for seeking remedy. The Directive Principles of State Policy, which are not enforceable by any court under writ jurisdiction. The state is under duty to implement such principles through its policy.

Although it is also clear from the above data shown in tables that most of university going girl students (60%) were enjoying right to equality, yet at the same time they did suffer from discrimination at different levels on the basis of gender or sex whether it is the home or society or neighbourhood or kinship. Only 30% of the respondents said that they fully enjoyed right against discrimination. Equal Opportunity in Public Employment is one of the important right which was fully enjoyed by the 80% of the respondents. There is a dark picture of Right to Freedom of Speech and Expression. It was observed that family, kinship, neighbourhood and

society provide limited freedom to girls in this area only 42.5% of the respondents did fully enjoy this right in family, kinship, neighbourhood and society. Schools, colleges and universities provide better chance to the students for expression, there is no discrimination on the basis of sex / gender. Right to work Recognizes to women by ensuring freedom to all citizens for occupation, profession and business was also fully enjoyed by 20% of the respondents. There is a family and societal pressure on them in the selection of professions, occupations and businesses which was safe and secure for them.

Right to Life and Personal Liberty provides right to live to all the citizens including women as per their own choice by the constitutional guarantee that no person shall be deprived of his/her life or personal liberty but only 55% of the respondents fully enjoyed this right. Right Against Exploitation protects against human trafficking and bonded labour, which works as a shield for women's safety and ensures their right to work. Three-fourth (75%) of the respondents did fully enjoyed this right. Right to Livelihood provides that the citizen, whether men or women, equally have the right to an adequate means to livelihood. Only 15% of the respondents did use this right and 45% of the respondents did not react on this question, they said that this questions is not concerned with them.

Equal Pay for Equal Work ensures that there is equal pay for equal work for not only men but also women. 65% of the respondents could not say anything on this question. Right to Health guarantees that the women are not abused. But slightly more than one-third (37.5%) of the respondents did not fully enjoy this right. Equal Justice and Free Legal Aid is one of the important rights which was not enjoyed by the respondents. 87.5% of them could not say anything regarding this right. Just and Human Conditions of Work and Maternity Relief was not enjoyed by majority of the respondents. 90% of them could not say anything regarding this right. Right of Constitutional Remedies in case of the violation of any of these fundamental rights, a few respondents (2.5%) of them enjoyed this right and 87.5% could not react anything on it.

SUMMARY & CONCLUSION:

The Constitution of India provides full guarantee of equality, liberty, justice, freedom of expression and right of constitutional remedies. But the gender / sex based discrimination and inequality is so deeply rooted which is difficult to remove from our society. In formal organizations such as schools, colleges, universities and offices women enjoy more human rights in comparison to primary organizations such as family, kinship, and neighbourhood. It is the family or social environment which discourages women for liberty, equality, freedom of expression and speech. Secondary organizations and institutions are more women friendly in comparison to primary institutions of society.

Women, especially university going girl students are much aware about their human rights such as liberty, equality, freedom of expression, but on the other hand right to work, right to livelihood, equal pay for equal work, equal justice and free legal aid, just and human condition of work and maternity relief and right to constitutional remedies are not concerned with them. The most important thing is- even today equality and personal liberty are not much enjoyed by the girls in our society, it is a serious issue.

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