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WOMEN, SOCIAL JUSTICE AND HUMAN RIGHTS : A IN INDIA

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Abstract:

Social justice is an inseparable component of human rights of women and without it; human rights would be empty and meaningless. Equality in basic liberties, equality of opportunity for advancement and positive discrimination in favour of women ensure social justice and human rights.

Human right of a woman means her liberation from the traditional oppressive bonds and discrimination, improvement in the concept of self and her in relation to the environment and the people around her. Social justice is an essential component of sustainable development of a nation. Women are often denied social justice, and hence, are not allowed to enjoy human rights.

KEY WORDS:

Social Justice , Basic Liberties , Liberation , Environment.

INTRODUCTION

Woman is the mother of Earth. She plays the role of mother, sister and daughter. She started human and social life.

Women represent half the population of mankind. They are part of the development of the country without which the development is not possible. They give birth to human beings facing many problems and educate them. They are the first teacher of the children in the beginning of life. Without them the household could not be properly managed and adorned. They can bring love, peace and affection among the human beings. Without women the real human development is not possible. The importance of women's role in the development process and to improve the status of women was recognized internationally by the United Nations.

In the June 1946, the United Nations Economic and Social Council (ECOSOC) established the Commission on the Status of Women (CSW) to ensure the empowerment of women and gender equality. Over the years, the CSW has organized different Conferences in order to assert and improve the Rights of women. So far, Four World Conference on Women have taken place.

First World Conference	- Mexico City, 1975
Second World Conference	- Copenhagen, 1980
Third World Conference	- Nairobi, 1985
Fourth World Conference	- Beijing, 1995

INDIAN CONTEXT

India is a patriarchal society. In fact, the preference for the male child is strongly rooted in economics, particularly scarcity of agricultural resources such as land, since women have been largely left

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out of the agricultural process; land and its use has become a typically male domain. Women were thus discouraged from claiming any rights to land or assets of value.

Women are given equal rights and status with men by the Indian Constitution and various provisions had been made to protect the interests of the female population. Series of legislations have been enacted from time to time to provide protection to women against social discrimination, violence, etc. The Five Year Plans have been playing special attention to women's welfare emphasizing female education, access to resources and their political empowerment.

Article 14 - guarantees equality before the law and equal protection by it.

Article 15 prohibits discrimination against any citizen on grounds of religion, race, caste, sex, place of birth or any of them.

Article 15 (3)—empowers the state to make any special provision for women and children.

Article 16(1) — guarantees equality of opportunity for all citizens in matters relating to employment or appointment in any office under the state.

Like any other civilized country, a number of laws have been enacted in order to provide protection to women. For instance, the Dowry Prohibition Act, 1961, the Hindu Marriage Act, 1955, the Hindu Women's Right to Property Act, 1937, the Hindu Succession Act, 1956. Sati Prevention Act, 1987, etc. In order to provide effective protection of the rights of women who are victims of violence the Domestic Violence Act, 2005 was passed. The National Commission for Women was also set up.

The Government of India has also set up women specific administrative and economic structures, such as Women and Child Development Department at the Union and State Government levels. The National Commission for Women has been formed in several states. Additional special schemes like Rastriya Mahila Kosh, Mahila Samridhi Yojna, etc. have been launched to uplift women.

But unfortunately, these laws are hardly implemented in their letter and spirit, consequently crimes against women are increasing. Rape, dowry and domestic violence are there crimes that have increased greatly in recent years.

Rape is committed not only by the breakers of law, but also by the protectors of law. The minimum punishment for rape according to section 376 of the Indian Penal Code is seven years which may extend to life and may also be with fine.

Regarding dowry, it is unfortunate that today even among the educated, the system of dowry reigns supreme and is deep rooted in our society. The Dowry Prohibition Act, 1961 was enacted with the objective of prohibiting the evil practice of giving and taking dowry. If a woman is dead due to dowry related crimes, within seven years of marriage and it is shown that she was subjected to cruelty and harassment by her husband or in laws such a death shall be punished with imprisonment for a term not less than seven years and may extend to the imprisonment for life.

Domestic violence is one of the most gravest and most of the violence against women erupt from inside the family. It is said that half of the number of women in India are killed in their bedrooms. In order to provide effective protection of the rights of women who are victims of violence the Domestic Violence Act, 2005 was passed by the Indian Parliament. It came into force by the Indian Government from October, 2006.

Domestic Violence under the Act includes actual abuse or the threat of abuse whether physical, sexual, verbal, emotional or economic. The Act provides for women's right to secure Residence Order, Protection Order, Compensation Order, etc.

When a woman is in need of justice who does she turn to?

The first post to be passed is always the police station where she has to make her basic complaint. But it is here that harassment begins. If one police personnel are sensitized on gender justice he is changing his family, his community and the society. As a law-enforcing agency, the police have a lot of responsibility to reform the civil society. Violence against women is the outcome of the fact that we think well about our daughters but we look at the daughters of others in a different perspective.

The mindset needs to be changed. Freedom of women is limited and she is overworked. Reform of the law to provide equal rights to women, equal opportunity for economic independence, education, transformation of customs and practices which reflect the interior social position of the women are all necessary and desirable.

In nutshell, social justice to a woman should create an atmosphere which should enable her to get out of the sense of being wronged, a situation where her dignity, self-worth and human rights could be asserted with a belief of self-preservation. It should help her to overcome the feeling of powerlessness, so that she emerges from the comforts of dependency and faces and challenges the dependency and faces and challenges the autonomy by enjoying her human rights.

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