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ORIGIN AND DEVELOPMENT OF WOMEN HUMAN RIGHTS IN INDIA

DR. SUBHASH TALUKDAR.

(SUBJECT TEACHER, P.SCI)

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ABSTRACT

Human rights are essential for survival of human and their life. It inculcated in the society right from the beginning of human civilization. The oldest document of the "Rig Veda" declared that all human beings are equal & respect the dignity of human rights. The "Atharva Veda" also indicates the same thing. There are some human right for women such as, women have the right to draw equal salary, as compared to men, women have the right to dignity and decency, women have the right against workplace harassment, women have a right against domestic violence, women have the right to get free legal aid, women have right not to be arrested at night, women have the right to register virtual complains, women have the right against indecent representation, women have the right against stalked etc. In this paper an attempt has been made to study development of human right of women and protection of human right.

Key words: Human right, women, right, fundamental.

Introduction: - In general sense human rights means an inalienable right which essentially belong to any individual. These rights became operative with our birth irrespective of our caste, creed, religion, sex and nationality. These rights are also known as fundamental rights, basic rights, inherent rights, national rights and birth rights. As fundamental or basic rights they are the rights which cannot be taken away by any legislature or any act of Government .As natural rights they are seen as belonging to men and women by their nature. They are also called common rights for they are rights which all men and women in the world would share. For attainment of intellectual, moral and spiritual development these rights are indispensable. These rights has grown based on mankind's inherent demand for life in which one's dignity and worth is respected and one's right to equality and liberty are protected. Again, these rights are enforced against harmful social customs, such as un-touch ability in India and inequality of women.

The concept of human rights was recognized from the ancient period of times. The Vedas, the Bible, the Qur'an are the oldest written sources which said about people's duties, rights and responsibilities. In modern period, several philosophers proposed the concept of natural rights. At the beginning

of the nineteenth century saw the rationalization of the concept of natural rights. In the 20th century protection of human rights are given priority.

Methodology:-For conducting the study data have been collected from secondary sources. Secondary sources of data were collected from books of different authors, journals, Articles, Magazine, Internet etc.

The human rights of women:-

In Vedic period women enjoy high status in the society. But in course of time due to social, economic and political changes women lost their status. The general impression is that women are sub-human species. However, women had broken the social fetters and ready to face the contemporary challenges. Now, the 8th March was formally observed Women's Day as a mark of integrated achievements towards the equality of rights, status and dignity of women.

Gender based discrimination represents the ugly face of the society. They have been exploited by the male dominated society and their position is low due to gender difference. Now, the feminists were openly questioned for anomaly of gender discrimination. As human development moves center point, the gender equality is emerging as major challenges.

Women's human rights have been highlighted globally. Universal declaration of Human Rights(UDHR) adopted by the United Nations General Assembly in 1948 claims that "all human beings are born free and equal in dignity and rights"². So, before law there is equality of man and woman. The preamble of the UDHR emphasizes that "recognition of the inherent dignity and of the equal and inalienable right of all members of the human family is the foundation of freedom, justice and peace in the world."³

In 1975 was declared as the International Women's Year and it was the beginning of the international decade of women. The first world conference on women was begun in Mexico City with the United Nations in 1975. This conference gave chance to women to travel to Copenhagen where the Second world conference was held. The network has grown significantly since this conference and women was given new perspective regarding their lives.

The another convention have drawn attention to gender related dimensions of human rights that is the convention on the Elimination of All Forms of Discrimination Against Women(CEDAW) adopted in 1979. The convention is the International Bill of Rights for Women and based on equality between men and women. This convention defines the right of women to be free from discrimination. It provides the basis for achieving equality between men and women through ensuring women's equal access and opportunities in political and public life as well as education, health and employment. CEDAW is the only human right treaty that affirms the reproductive rights of women.

In 1993 the UN World Conference on Human Rights in Vienna confirmed that women's rights were human rights. Women's status as human beings

entitled to rights should have never been in doubt. Yet this was a step forward in recognizing the rightful claims of one half of humanity, in identifying neglect of women's rights as a human rights violation and in drawing attention to the relationship between gender and human rights violations.

In 1994 the International Conference on Population and Development in Caero(ICPD) affirmed the relationship between advancement and fulfillment of rights and gender equality and equity. It also clarified the concepts of women's empowerment, gender equality and reproductive health and rights. The ICPD asserted the empowerment and autonomy of women and the improvement of their political, social and economic and health status was a highly important and essential for the achievement of sustainable development. In 1995 the Fourth World Conference on women in Beijing generated global commitments to advance women rights.

In spite of these international agreements, the denial of women's basic human rights is persistent and widespread. For example,

1. Every year over half a million women continue to die in pregnancy and childbirth related causes.
 - The rates of HIV infection among women are gradually increasing.
 - Gender based violence kills and disables as many women between 15 and 44ages as Cancer.
 - Worldwide, women are twice as likely as man to be illiterate

A large number of women are impoverished for their working conditions. Women still earn less than men for similar work. While progress has been made, many of the challenges and obstacles identified in 1995 still remain. The new challenges for women's empowerment and gender equality have emerged such as the feminization of the AIDS epidemic, feminization of migration and increasing of trafficking on women need to be more effectively addressed.

Human rights as amalgamation of various rights:-All human rights are respected. The division of human rights is initially proposed in 1979 by the Czech Jurist Karel Vasak. His divisions follow the three watchwords of the French Revolution: Liberty, Equality and fraternity. Human rights embrace civil, political, economic, social and cultural rights. It is therefore difficult to define the term human rights.

All those rights which are essential for the protection and maintenance of human dignity of individuals and all those rights which create conditions in which every human being can develop his personality to the fullest extent may be termed as human right.

Civilrights and political rights:-This right consists primarily of rights to security, property and political participation, Civil and political rights are negative rights which may lead to violation of those rights. Right to life and personal liberty, right to privacy, right to own property, freedom from torture, freedom from inhuman treatment, freedom of thought, conscience and

religion and freedom of movement are civil rights. This right includes legal rights which protect citizens from imprisonment without due legal process. Through civil rights citizens are also access to various rights such as Habeas corpus, Mandamus Que warrentoCeriorari and prohibition. Political rights are necessary in order to participate in the life of the community and society. Right to vote, right to be elected at periodic election, right which allow a person to participate in the Government of the state, to express one's opinion and to have access to information are example of political right.

Economic, social and cultural rights:-These rights are the basic necessities of life and based on the idea of equality and guaranteed access to essential social and economic goods, services and opportunities. These rights are recognized by Government after World War 1. After 2nd world war these rights are encapsulated in the International Covenant on economic, social and cultural rights. These rights are positive i.e. the right to be provided with something by others. State should take positive action in order to promote welfare and to achieve economic democracy.

Social rights are necessary for full participation in the social life. This right includes the right to education and the right to maintain a family. Economic rights are include the rights to welfare, to work or employment, employment benefits, right to adequate food, clothing, housing, adequate standard of living, right to physical and mental health etc. Cultural rights refer to a community's cultural "way of life". This right includes the right freely to participate in the cultural life of the community. Many other rights which are cultural are essential for minority communities within a society to preserve their distinctive culture i.e. the right to non-discrimination and equal protection of the laws.

Collective Right:-In addition to the above rights there is another kind of right which may be enjoyed by individual collectively, such as right to national self-determination, right to development, right to peace, right to healthy environment, right to humanitarian assistance and right to indigenous minorities. Some of these collective rights have already recognized under many progressive documents of international law such as the 1972 Stockholm Declaration of the United Nations Conference on the Human Environment and Development. The UDHR itself includes the right to self-determination.

The right to peace:-The International terrorism, International aggression etc. has led to unending fears in the mind of the people of the world. Recent events in different parts of the world by terrorist's organization made life more miserable. These have affected the finer aspect of human civilization. Member of the human species are entitled to live peacefully in the world.

The right to development: The world was divided in to colonies. Though a number of such colonies have regained political freedom they continue to be under the economic exploitation by the rich countries. The exploitation of their natural resources by payment of low prices continued. The discovery of

oil and natural gas in some backward countries has helped them to move forward. These countries have however become markets for the goods manufactured by developed countries, resulting transfer of substantial part of their wealth to rich countries. The widening gap between economically developed and the developing countries impedes the realization of human rights in the International community.

The right to healthy environment:- The right to healthy environment was recognized at the world conference on human environment. The conference emphasized keeping the environment free from pollution. The industrial development led to the pollution of air and water. Many industries have not installed even the primary treatment plants for treating the treated effluent discharged by them. The health and well being of large section of the people have suffered on account of unhygienic surroundings in which they live. The right to live in a healthy environment should be enforced by all the National courts without any reservations.

The right to enjoy common heritage of mankind:- Wealth hidden under the sea falls under the category of this right. Few countries are capable of exploiting wealth from under the sea. These countries may not be allowed to have exclusive right in its exploitation of the resources of the sea-bed. Moreover, there should be regulation of the right to carry on fishing in the sea.

The right to humanitarian assistance:- The right to humanitarian assistance in times of crisis must be recognized. Calamities like continuous drought, floods, earthquake etc. are causing miseries to the people. Natural calamities have a few more devastating effect upon the developing countries than that of the rich countries. There should be a common fund available to meet the consequences of such unforeseen calamities. The authority of the fund that is International authority must be free from the influence of the powerful nation of the world. The nation which suffered from such calamities should be get the benefit of the fund as of right.

Protection of Human Right Act:-

Right to live is a God given gift to every person. This realization leads to the Universal Declaration of Human Right 1948 by the United Nations. Several covenants are made to protect the dignity of the people. India has ratified the UDHR, International Covenant on Civil and Political Rights in 1966, International Covenant on Economic, Social and cultural rights, 1966. But violation of human rights was severely criticized. So, in 1993 Indian parliament enacted the protection of Human Rights Act. But the proper implementation of this act helps to protect and promote Human Rights in India. The Act makes provisions for the establishment of National Human Rights Commission, State Human Rights Commissions and Human Rights Courts for better protection of human rights.

National Human Rights Commission:-The protection of Human Rights Act, 1993 established the NHRC. The commission shall inquire Suo motto or a petition by a victim or any person on his behalf into complaint of-

1. Violation or abetment of human rights.
2. Negligence by police officer to prevent such violation of human rights.
3. NHRC shall make recommendations and study of international instruments on human rights.
4. NHRC shall undertake research and promotion of human rights.
5. NHRC shall encourage non-governmental organizations and other institutions which are working for human rights.
6. The NHRC shall perform all function relating to various aspects of human rights as necessary.

State Human Rights Commission:- This commission was also established under the protection of Human Rights Act, 1993. The main objective of the SHRC is to strengthen the NHRC and establish link between the State and the Centre. The Assam Human Rights Commission was constituted on 19th March, 1996.

The SHRC may inquire into all matters relating to human rights violation which are enlisted list 2nd and 3rd in the seventeen scheduled of the constitution. Though both NHRC and SHRC analogous powers, the functions etc. their separate identities in which the SHRC comes within the fold of NHRC.

National Commission for Women:-The National Commission for women is a statutory body for women in the Indian Union. The Commission was established under specific provisions of the Constitution of India. This commission was set up as statutory body in 1992 under the National Commission for Women Act, 1990. The National Commission for Women Act, 1990 perform the following functions-

1. It investigate and examine all women relating safeguards under the constitution and laws.
2. The commission make in such reports recommendations for the effective implementation of those safeguards for the improving the conditions of women by the Union or any state.
3. It takes up cases of violation of the provision of the constitution and of other laws relating to women with the clear authorities. Thus, human rights are protected by various acts.

Conclusion: From the above discussion it is clear that human right have been originated for development of world peace. The UNO take importance role, which aim and objective was to maintenance peace and security among the nations. Though women empowerment covers social, political, economic aspects of women development but economic empowerment is of ultimate significance in order to achieve a lasting and sustainable development of a

society. It will turn an ideal society where there are peace, prosperity, unity, discipline, morality, and ethics of all. So we must be ready for protection of human right and others will be encouraged for protection of these rights. For protect the human rights people protect the women's rights, end of the militant abuse, ensure media freedom and end counterterrorism abuse.

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