

## Original Article

### The role of human rights in women's development

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**Abstract**

*Human Rights play an important role in the development of women in India and abroad. Human Rights safeguard the interest of girl child and women as far as their development is concerned in all the aspects of growth and progress of a girl child and women in society. The unique physical texture of women makes them pivotal in entire human reproduction on the one hand and deprivation of exercising their reproductive rights on the other. Their physical texture put them in highest risk without having their own say in decision making process, even at family level. This is the most striking reason that they are not well at their best in exercising their, social, economic and political rights. Denial of reproductive rights is denial of their human rights as the 'reproductive rights' are measurable component of human rights. Gender inequality or gender based discrimination, prevalent in our society, has been the key issue in terms of their basic human rights. This phenomenon has created a situation in which women are in de-powered state in our society. During the eighties there was a major increase in policies design to prevent women from being marginalised from the mainstream of economic and social life. Though, these policies did lead to significant improvements in women's lives, yet their overall status in society remained the very much the same. The recognition of this continuing discrimination, the focus on women alone is now shifting towards a broader concern with gender relations. In health care and in other areas of public policy, the emphasis is now on identifying and removing the gender inequalities that prevent women from realising their potential. In analysis of human rights, we can say that human rights are linked with development of girl child and women in social perspective as well as their progress.*

**Keywords:** women, development, human rights, society.

#### Introduction

The unique physical texture of women makes them pivotal in entire human reproduction on the one hand and deprivation of exercising their reproductive rights on the other. Their physical texture put them in highest risk without having their own say in decision making process, even at family level. This is the most striking reason that they are not well at their best in exercising their, social, economic and political rights. Denial of reproductive rights is denial of their human rights as the 'reproductive rights' are measurable component of human rights. Women's issues in the area of reproductive health and rights related to the same, showcases deep rooted beliefs with regards to 'gender relations' and 'gender roles'. It is quite established that the general health of women is poor (anemia, malnutrition, etc.) is interlinked to their larger share in the load of family planning, their greater risks of health complications, ( HIV-AIDS, reproductive tract infections, STDs and STIs,), furthermore, gender based maltreatment (aggression, domestic violence, maltreatment) reflected the lower status accorded to women in almost all societies. Gender inequality or gender based discrimination, prevalent in our society, has been the key issue in terms of their basic human rights. This phenomenon has created a situation in which women are in de-powered state in our society. Over the years of post independent India, women's problems have moved promptly up the policy agenda of International Organisations and National Governments. During the eighties there was a key increase in policies design on order to prevent women from being alienate from the mainstream of economic and social life.



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Policies often lead to important improvements in girl child as well women's lives, though, status of women and girl child are by and large same. This type of discrimination will highlight the shifting trends regarding broader concern with gender issues. In the field of health and hygiene the policy, emphasizes by removing the gender inequalities that prevent girl child and women (and also sometime men) from realizing their own potential. These type of links in the forms of total discrimination and poor reproductive health varies across the continuing life cycle of women. We can see that in childhood ages, those form of discrimination could certainly manifest in all types of abuses. For instance, in early age, early marriage and certainly and complete lack of access in the field of reproductive health services results in poor reproductive health. We can see that in India, during childbearing stage, all kind of abuses as well as violence are not the scope limited access to health services that are linked to gender discrimination and results in low level of reproductive health of women. The policy perspective have least cared their reproductive healthcare as a matter of rights. Thus it is high time to look into the facets of the insurance of reproductive health to them by the state or government. As such the present social perspective of women's development is linked to human rights and their aspects.

## Historical context

The historical setting sheds important light on the persistent gender disparities and the challenges that Indian women face in their fight for human rights. For millennia, gender roles and possibilities have been shaped and constrained by traditional patriarchal standards, which have a significant impact on women's status and treatment. These standards, which are ingrained in society conventions and cultural practises, have hampered the advancement of women's rights and sustained gender-based discrimination. Indian women have historically been subjected to a number of repressive customs, such as female infanticide, dowry, and child marriage. Particularly, child marriage has been a common practise, depriving girls of their childhood and preventing them from getting an education and honing their abilities. Another strongly rooted custom, dowry, burdens the bride's family financially and frequently results in exploitation, domestic abuse, and even dowry-related fatalities. Despite being against the law, female infanticide has persisted in some areas due to a deep-seated preference for male offspring and the undervaluation of women's lives. It is important to recognise that India has made considerable strides towards women's rights and gender equality. The 1950 drafting of the Indian Constitution was a watershed event that laid the groundwork for women's empowerment and gender equality. The Constitution ensures that all citizens, including women, have access to fundamental rights, including the right to life and personal freedom, equality before the law, and freedom from discrimination. As women began to fight for their rights and question cultural conventions in the middle of the 20th century, the women's rights movement in India grew in strength. Famous people like Sarojini Naidu, Kamala Nehru, and Rani Lakshmibai were crucial in organising women to fight for their rights. The movement opposed conventional gender roles and conventions and demanded equal opportunity in decision-making, work, and education. India's legal system has developed to handle women's rights. The Dowry Prohibition Act, which was passed in 1961, was intended to stop the practise of dowry and shield women from its negative effects. The Protection of Women from Domestic abuse Act, which was passed in 2005 and recognises domestic abuse as a violation of women's rights, offered a comprehensive legal framework to address the issue. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013 sought to make workplaces for women secure and harassment-free while highlighting the value of women's wellbeing and dignity. The situation of women's rights in India is still impacted by historical gender disparities and patriarchal practises notwithstanding these encouraging advancements. Deep-seated social prejudices, attitudes, and discriminatory behaviours continue to be an obstacle to gender equality and the empowerment of women. The historical context illuminates the difficulties encountered in tearing down these antiquated institutions and altering societal views.

## Legal framework in women rights

The Constitution of India is the bedrock of women's rights in the country. It provides a strong foundation for gender equality and ensures that women are granted equal protection under the law. Article 14 guarantees equality before the law, while Article 15 prohibits discrimination on the grounds of sex, among other categories. Additionally, Article 15(3) allows the state to make special provisions for women and children, recognizing the need for affirmative action to address the disparities women have historically faced.

Article 16 ensures equality of opportunity in public employment, reinforcing the state's commitment to gender parity. Moreover, the Directive Principles of State Policy, particularly Article 39, direct the state to ensure equal pay for equal work and to protect the health and strength of workers, including women. These constitutional provisions have paved the way for several laws aimed at safeguarding women's rights in India.

One of the most significant laws protecting women in India is the Dowry Prohibition Act, 1961. Despite its longstanding presence, dowry-related violence remains a serious issue in India. The act criminalizes the giving, taking, or demanding of dowry, with severe penalties for those found guilty. However, the enforcement of this law has been inconsistent, leading to ongoing challenges in eradicating this harmful practice.

The Protection of Women from Domestic Violence Act, 2005, is another crucial piece of legislation. It addresses various forms of domestic violence, including physical, emotional, sexual, and economic abuse. This law provides

women with the right to seek protection orders, residence orders, and financial compensation, empowering them to escape abusive situations. Despite its comprehensive nature, the act's effectiveness is often hampered by societal attitudes and the lack of awareness among women about their rights.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the POSH Act, was a landmark in India's fight against gender-based discrimination in the workplace. The law mandates the establishment of Internal Complaints Committees (ICCs) in all workplaces to address complaints of sexual harassment. While this act represents a significant step forward, its success largely depends on proper implementation and awareness among employees and employers alike.

Family law in India, which includes laws governing marriage, divorce, and inheritance, plays a pivotal role in safeguarding women's rights. The Hindu Marriage Act, 1955, the Muslim Personal Law (Shariat) Application Act, 1937, The Muslim Women (Protection of Rights on Divorce) Act 1986 and the Divorce Act, 1869 are some of the key statutes that govern matrimonial matters for different religious communities. These laws provide women with legal avenues to seek divorce, maintenance, and alimony, ensuring that their rights are protected within the institution of marriage.

The Hindu Succession Act, 1956, particularly after its 2005 amendment, marked a significant advancement in women's inheritance rights. The amendment granted daughters equal rights to inherit ancestral property, putting them on par with sons. This was a major step towards gender equality in property rights, although its implementation still faces resistance in some parts of the country.

### **The Change And The Cultural Values**

It can be seen that largely that the Societies and Cultures are not static. In other words, they are living entities which are continually and in the process being renewed and reshaped. It can be observed that which culture being more generally, gender, all the definition change over time, it is observed that change is shaped and structured by many factors. It can be seen that in society, gender discrimination is a global phenomenon which is continuing since centuries. It is also clearly observed that 'casteism' seems like a South Asian nuisance, values that is totally affecting at present in all the societies as well as religions that breed here in other words, it can be seen that Hinduism which being the oldest culture as well as the fountainhead of all the present religions and that has to purely accept and adopt the blame of polluting all the important source in society, that can be seen as two nesciences which are tolerated in all societies that weakened as well as diluted in so many curls as well as different religions leading to further weakness, all leading to the present all types of chaos as well, also the messes of the pass time that we know in the history of all the countries.

### **Women's Empowerment**

In India the strategies that often support women's empowerment to contribute to women's capability as well as ability to formulate and advocate their missions and visions for their society that includes complete interpretations and changes to cultural as well as gender norms in society. The CIDA'S policy and program on gender equality highlights the significance as well as importance of women's empowerment to the achievement of gender equality in society. It not provides a definition of empowerment but includes a role for development and cooperation. "Empowerment is about people- both women and men- taking control of their lives: setting their own agendas, gaining skills, building self-confidence, solving problems, and developing self-reliance." It can be seen that outsiders cannot empower women; i.e. only women can empower themselves to make their complete choices or often speak out on their own behalf. It is observed that, institutions including national and international corporation agencies can only support the significant processes that completely increase the women's self-confidence and also to develop their self reliance to a great extent and also make them to completely set their own agendas. It can be seen that in the UNDP'S 1995 Human Development Report, in making the case for an "engendered approach", which signifies the importance of women empowerment to socio-economic, as well as cultural changes. "The engendered development model, though aiming to widen choices for both men and women, should not be predetermined how different cultures and different societies exercise their choices. Important is that equal opportunities to make choice exist for both women and men".

### **Challenges In women rights**

India still has a long way to go until women's human rights are fully realised, despite great advancements in gender equality and women's rights. Gender-based violence is one of the biggest obstacles. India still sees a lot of violence against women, including acid attacks, dowry-related violence, sexual harassment, and domestic abuse. These behaviours are widespread because of ingrained patriarchal views, unequal power relationships, and lax accountability. This problem needs to be solved using a multifaceted strategy that involves tough legal enforcement, public awareness campaigns, and societal attitude changes. The continued existence of negative social norms and customary practices that support gender discrimination represents a significant obstacle. Despite being prohibited, practices like dowry, female infanticide, and child marriage nevertheless occur in some areas and communities. In addition to violating women's rights, these practices impede their general growth and wellbeing. Community involvement, education, and the promotion of gender-sensitive cultural norms are necessary for overcoming these obstacles. For women in India, access to school and job possibilities continues to be a major obstacle. Female literacy rates have increased, yet there are

significant discrepancies, especially in rural and marginalised areas. Women's possibilities for development, economic empowerment, and involvement in decision-making are constrained by a lack of access to high-quality education. Similarly, discrimination based on gender, occupational segregation, and a lack of opportunity for skill development prevent women from accessing good and equal work possibilities. Targeted initiatives, such as investments in educational infrastructure, career training programmes, and affirmative action laws, are necessary to close these inequalities. The issue of women's underrepresentation in politics is another one that needs to be resolved. Women continue to be underrepresented in political and decision-making bodies in spite of constitutional provisions and legal measures to encourage their political participation. Women's admission into politics and their capacity to influence policy decisions are hampered by structural impediments, cultural biases, and a lack of resources. In order to achieve gender-responsive governance, efforts must be made to expand women's political representation and strengthen their participation in decision-making processes. Healthcare disparities are a major problem for women in India. Particularly in rural and distant locations, women continue to encounter challenges to accessing high-quality healthcare services. Maternal mortality, poor reproductive health care, and a lack of understanding of sexual and reproductive rights are still problems. To address these issues, the healthcare system must be strengthened, comprehensive sexual and reproductive health education must be promoted, and women must have access to inexpensive, high-quality healthcare services. The difficulties marginalised groups of women confront are made worse by intersectional issues. Caste-based discrimination, religious discrimination, and homophobia are just a few of the forms of prejudice faced by Dalit women, tribal women, women from minority communities, and LGBTQ+ people. Due to the overlap of gender and other social identities, it is important to make focused efforts to meet the unique demands and difficulties that these groups experience. Promoting equality and social justice requires inclusive policies and initiatives that take into consideration their diverse experiences and viewpoints. It is necessary to take a comprehensive and multifaceted strategy to addressing these issues, one that includes inclusive policies, awareness campaigns, capacity-building, and legal reforms. By confronting these issues head-on, India can work to create a society that is more equitable and inclusive and in which the rights of women are completely protected.

## Conclusion

In Psycho-Socio analysis of human rights and women's development as analyzed in social perspective in India as well as in other countries, reflect that women's and girl child's development are linked with equality and equal status of girl child and women in society. In India it is largely seen that any type of actions appropriate in a separate and specific situation will totally depend on the policy environment as well as the relations, which are established with their partners and their finding of the gender analysis. It is seen that, finally the attention on gender equality is also important development as well as, it is a human rights issue, i.e., not due to the facts and figures of the society which is based on gender equality that men and women in other societies, necessarily also make the choices that are relevant and adjustable in the nature. In society, if the development procedure initiates with a positive start and also to a large extent with a positive commitment to work, toward gender equality, then only it is seen that they can play and relevant as well as important role in increasing their awareness regarding, inequalities in supporting a constructive search for all types of solutions, and in thus purely enabling women to have an positive as well as effective voice in the process. In other words, we can conclude that human right plays an important role in the growth of girl child and women in social perspective in the society. The role of human rights can be seen in the overall growth, progress as well as development of girl child in India and other countries and give them an equal opportunity as men.

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