



HUMAN RIGHTS OF WOMEN CONDITION AND PROTECTION IN THE AGE OF GLOBALIZATION

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Abstract

The birth of Human Right originates from Human Security. Firstly in primitive society the civil and political Rights were needed but in next phase of society the Social, Economic and Cultural rights were felt and demanded. In initial stage the women were devoid of Human Rights. The stability and credibility of society depends upon the empowerment of women in society which need investment of Human Rights in women. The Human Rights depend upon Human Security meaning there by the Economic security, Food security, Health security, Environmental security, Personal security, Community security and Political security. In such a way the violence against women is needed to be ended.

If the male faction of society is born free, then it is not possible that women faction be slave. If a man claims to lead a life of dignity, why the fate of woman be left upon the determination and whim of man. More over the right to liberty, equality and fraternity is granted by state to individual cannot be refused to a woman.

New challenges have been posed on human rights by the forces of globalization. The globalization process is influencing the lives of mankind across the globe with positive and negative results. On one hand globalization has developed the concept of liberal ideas on other hand it has deteriorated the values of Human Rights by environmental degradation, exploitation and abuse of Human Rights, by developing the economic disparities, Sex discrimination sharp depletion of valuable resources, global terrorism and religious fundamentalism.

To meet the global challenges affecting Human Rights, the stress must be given to following fundamental convictions.

(A) The sanctity and inviolability of women Life

(B) The dignity of women Rights

(C) The value of women safety in a world full of precarious threats and challenges.



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Introduction

Human Rights" means 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 courts in India. These basic rights are based on values like dignity, fairness, equality, respect and independence. But human rights are not just abstract concepts – they are defined and protected by law. In Britain our human rights are protected by the Human Rights Act 1998. Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. They can never be taken away, although they can sometimes be restricted – for example if a person breaks the law, or in the interests of national security. The atrocities of the Second World War made the protection of human rights an international priority. The formation of the United Nations paved the way for more than 50 Member States to contribute to the final draft of the Universal Declaration of Human Rights, adopted in 1948. This was the first attempt to set out at a global level the fundamental rights and freedoms shared by all human beings, irrespective of sex. All human rights include the women human Rights perfectly and potently.

Pre Independence Muslim women condition

For probation of Humans Rights of women initially the measures were adopted to educate the women and them to aware about their rights and dignity. In higher class Muslim communities the Muslim girls were emphasized to study Urdu and Persian to read Quran in Arabic. The Muslim parents did not permit their daughters to go to educational institutions, considering it the violation of Islamic norms, consequently in nineteen century Maulana Hali and Sheikh Abdullah sponsored fight for education for Muslim women. In 1896 the revolution was started for Muslim women education by Khwaja Ghulamus. A women bench was also up which was presided by Murtaza Ali. Sheekh Abdullah published a monthly magazine Khatoon pressing the need to set up school at Aligarh for Muslime girls and Begum of Bhopal declare the regular grant to girl's education in Aligarh.

There were prominent leaders namely Ishwer Chandra Vidhya Sagar, Annie Besant, Raja Ram Mohan Roy and Sir Syed Ahmad Khan Advocated for Women education.

Post Independence Muslim women condition

India achieved freedom and there was great contribution of women folk of India in attaining the freedom. Several commission and committees were set up for encouraging the women education i.e. University Education Commission 1948-49, National Committee on women Education 1958-59 the National Perspective Plan on women 1988 National Policy of Education 1986 etc. All the commission and committee stressed the problem of women in general but not specifically for Muslim Women. Now a days the Muslim Women are different from past. They are coming out of Purdha and are shouldering greater responsibilities in Nation building and restructuring the society.

Basic Need and steps desirable to protect women human rights in age of Globalization

- (1) There must be done the Enactment in Parliament and states legislature providing reservation in employment for Women in Government services, in appointment of teachers in Govt. colleges and educational Institutions and particularly in professional and technical institutions.
- (2) Women should be given the adequate facility of computer skills which is need of fast changing world, the professional and technical education, research study, meaning full domestic education and practical home science training be imparted to Muslim Women.
- (3) The old ill traditions in society be uprooted. Education is necessary for curbing the population hike, to become independent, to abolish backwardness of society, to provide the better child care, to prevent exploitation of woman etc.
- (4) 'Right of Job' should be enacted as fundamental Right to Muslim Women Govt. must launch adequate programs in urban and rural areas providing education for Muslim Women. Legal and constitutional provisions must be made providing free and compulsory education for Women.
- (5) Women should be encouraged to develop will power and firm determination in order to enable them to reach the peak of elevation. The influence of ancient practices and traditions should be abolished. Dependence of Muslim girls over their parents should be curtailed. The capabilities for making them confident should be developed.

Enactments Providing Protection for Women and their Rights in Indian Society

Special provisions for women protection in Indian Penal code and other Laws

(A)

1. Section 354 of I.P.C – To protect her from outrage of her modesty
2. Section 354 'A' of I.P.C – To protect her from sexual harassment.
3. Section 354 'B' of I.P.C – To protect her from disrobing and compelling her from naked

4. Section 354 'C' of I.P.C – Protection of women from voyeurism
5. Section 354 'D' of I.P.C – Protection against stalking.

(B)

1. Section 376 I.P.C – Protecting from rape
2. Section 354 A of I.P.C – To Protect her from death or persisting vegetative state
3. Section 376 B of I.P.C – Protecting her from sexual intercourse by husband during separation
4. Section 376 C of I.P.C – Protection of Woman from sexual intercourse by the person in Authority
5. Section 376 D of I.P.C – To protect the woman from gage rape

(C) Section 498A of IPC – This section is for the protection of women from cruelty, willful conduct and from harassment for the demand of dowry.

(D) Dowry prohibition Act protects the women from demand of dowry. This has enhanced the dignity of women in society.

Protection of Women from Domestic violence Act 2005-

This Act Protects the Women from domestic violence and provides the provisions of maintenance and compensation to the women for mental and physical harassment. Women are protected from any act, omission, commission or conduct of any person which constitute Domestic violence. A person is said to commit domestic violence if it.

- (a) Harms injures or endangers the life, limb, health and safety, well being, whether mental or physical of women or tends to do so, which includes causing, physical abuse, verbal and emotional abuse and economic abuse or
- (b) Harasses, harms, injures or endangers the women with a view to coerce her or any person related to her to meet any unlawful demand for dowry or other property.

Remedy is available to the women under this act. Under this act a women may get compensation for injury, maintenance, protection and order of separate houses for residing.

Section 125 of criminal Procedure code-

This is the easiest procedure for the maintenance to the woman from their husband. If a person refuses or neglects to maintain his wife unable to maintain her is entitle to get the maintenance from his husband. She may enforce her right of maintenance anywhere, wherever she is residing in India.

Muslim Women and Human Rights Violation in the age of Globalization

Constitution of Indian allowed religious and tribal communities to have their customary and personal Law, applicable before Independence. However the constitution directs the state to have uniform civil code throughout the territory of India. Through uniform civil code has still not been formulated. Muslim Personal Law contains many provisions of marriage and Divorce but only few (i.e. alimony after divorce, polygamy, oral and triple divorce) have been controversial. A Muslim Women projected as a helpless person and always leads the life under constant fear of being arbitrarily and unilaterally abandoned by her husband she is mere chattel. A Muslim can have up to four wives at a time with no legal protection against the exercise of privilege of husband. In fact the corresponding right of woman to have more than one husband in any circumstance is not conceivable. A Muslim man can divorce his wife at his sweet will by uttering the word, "I divorce thee, I divorce thee, I divorce thee" I divorce you thrice without assigning any reason at any time without any witness (Now the Act has been passed agenzed the triple talaq) . A Muslim husband is not required by Law to give maintenance to wife beyond the period of Iddat. If a man divorces his wife, he is obliged to pay mehr, a sum of money agreed upon at the time of marriage hence education empowering the Muslim Women to be monetary independent is the very urgent need of present.

Muslim Women (Protection of Rights on Marriage) Act 2019

Now Triple Talaque is prohibited in India. Triple Talaque has been declared as cognizable and non bailable offence. It is also punishable with imprisonment. Triple Talaque is null and void. This is a great safeguard to the Muslim Women of India.

Upliftment of Women is necessary for preservation of Human Rights in the age of globalization

There is need of comprehensive and inclusive national programme of action for advancement of Education of Muslim Women with a sharp focus on removal of rural urban disparities in general and continued educational backward of Muslim Women in Particular. Really the Muslim Women are educational Backward and their work participation rate is low.

Indian Muslim Women are far behind in achieving the literacy status because of their economic Condition, no availability of school, learning from school in reading time, lack of honest leadership in the community and lack of interest in education there is urgent need to adopt a broader social, economic political programmatic perspective along with the prevailing heterogeneity in terms of gender, class religion and sect.

Individual countries

Human Rights and Constitution of India

The Indian constitution passed by the Constituent Assembly on November 26, 1949, it came into effect on January 26, 1950. This is the supreme law of India. It lays down the framework defining fundamental Political principles, establishing the structure, procedures, powers and duties of the government.

Constitution of India Spells out the fundamental rights, Directive Principles of state policy and duties of citizens. Human rights of women are specially protected in constitution of India.

Fundamental Rights

- (a) **Right to Equality:** - Article 14 of constitution of India provides state shall not deny the equality before Law and equal protection law within the Territory of India. But nothing of this section shall prevent the state from making special provisions for women and children. Here the rights of the women are placed on better footing than man.
- (b) **Non Discrimination on religion/caste/sex/race:** - Article 15 of constitution provides the state shall not discriminate against any citizen on the grounds only of religion, race, cast, sex, place of birth or any one of them. Here the discrimination against women is prevented on the ground of sex.
- (c) **Equality of opportunity in the matters of public Employment:** - Article 16 of constitution of India provides that there shall be equality of opportunity in the matters relating to employment and appointment to any office under the state. No citizen shall on the grounds only of religion, race, cast, sex, decent, place of birth, residence shall be ineligible or discriminated in respect of any employment or office under the state. Here the protection of woman human rights is also provided by not discriminating the women on the ground of sex.

Right to Freedom

- Speech & Expression
- Movement & Residence
- Forming association or union
- Practice any profession/occupation/business
- Right to education

Right against Exploitation

- Prohibition of human trafficking & forced labour
- Prohibition of employment of child labour

Right to Freedom of religion

- Freedom of conscience & free profession, practice and propagation of religion.

Cultural and Educational Rights

Right to Constitutional remedies

Directive Principles of State Policy

- Not enforceable by court, but fundamental principles in the governance
- Duty of the state to apply principles in making Law

National Human Rights Commission

The Rights Commission (NHRC) of India is an autonomous public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993. The NHRC is the National Human Rights Commission of India, responsible for the protection and promotion of human rights, defined by the Act as "rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants".

Functions of National Human Rights Commission

- Proactively or reactively inquire into violations of human rights or negligence in the prevention of such violation by a public servant
- Py leave of the court, to intervene in court proceeding relating to human rights
- To visit any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates and make recommendations
- Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation
- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures
- To study treaties and other international instruments on human rights and make recommendations for their effective implementation
- Undertake and promote research in the field of human rights
- Engage in human rights education among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means
- Encourage the efforts of NGOs and institutions working in the field of human rights
- Such other function as it may consider it necessary for the protection of human rights.
- requisitioning any public record or copy thereof from any court or office

Conclusion

If the entire world seriously considers protection of women Human Rights it needs the change of individual opinion to the female sex. In order to continue the human race, every person, organization whether Government or Non Government, state must enhance the idea of indispensable need and respect to women. The stringent penal Laws are made on all state level for preventing the offence against the women even the crime rate against women is not being controlled. Education and employment of the women is needed to be increased. Women must be brought in administrative field by giving the special opportunity to the women in executive, judicially and legislative. Laws of compulsory education to female children must be strictly enforced.

Useful websites

- Human Rights Watch: www.hrw.org
- United Nations High Commissioner for Human Rights: www.ohchr.org/english

Reference

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