

Women's Rights: Custodian of Physical and Psychological Integrity

Zeenat Madan

Assistant Professor, Department of Zoology, Sanatan Dharma College, Ambala Cantt

ABSTRACT

Amongst the many controversial issues, the rights of the women have always been one of them and debated at large. Though it has been a reality known to everybody that society or a family without a woman is as brazen and barren as is a piece of land without grass. Women in this chauvinistic society are always considered physically and psychologically weak. But history has it in its annals that women have done miraculous deeds. They have proved, over the time that they are not the vulnerable lot of the society but the equal one. Though there should have not been a need for the propagation of women's rights but the male dominated society has gotten this section of our society to this level that we have to give special emphasis to the rights of women. This paper will try to estimate whether the rights of women are in reality the custodians of their rights and whether they are capable of retaining their physical and psychological integrity.

KEYWORD: Women Rights, Integrity, Psychological, Dominance, Chauvinistic.

Appearance of humans on this planet is as an ambiguous topic as is the rights of women. Nevertheless we understand that whenever earth might have created there would have been two creatures in form of human - man and woman. Even Bible says that the woman – Eve committed sin first. Chapter 9 of Manusamriti says *“dhor, ganwar, shudra aur nari, sakal taadan ke*

adhikari” which, if translated, means that animals, illiterate, untouchables and female deserve to be punished. There is no reference to man here also. Even our scriptures advocate punishment for women not for men. In our society probably since recorded history women had been treated badly. There is an old saying that to err is human that means that we humans are prone to commit mistakes then why only woman should be punished. More over we live in a patriarchal, male dominated and chauvinistic society which boasts of masculine dominance. But over the years the feminine consciousness has been raising towards the plight and assertion of rights of women. There have been global movements for women rights across the globe.

Irrespective of gender due our being humans we are all accredited to human rights. Article 1 of The UN's Universal Declaration of Human Rights says “**All human beings are born free and equal in dignity and rights**”.¹ Article 2 further explains by saying that “**Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status**”. The Constitution of India also provides impetus to women rights: Article 14 says that “**The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India**”, while **Article 15(3) says that “[n]othing in this article shall prevent the State from making any special provisions for women and children**”. Article 15 (3) empowers the state government to frame new provisions under law for women's rights.

But besides these provisions and laws at global and local level a large number of women and girls still face discrimination on the basis of gender. Gender inequality underpins many problems which disproportionately affect women and girls, such as domestic and sexual violence, lower pay, lack of access to education, and inadequate healthcare.

For many years women's rights movements have been fought hard to address this inequality, campaigning to change laws or taking to the streets to demand their rights are respected.

HISTORICAL BACKGROUND OF WOMEN' RIGHTS: GLOBALLY AND IN INDIA

July 13, 1848 was considered to be the beginning of The Women's Rights Movement. On that simmering summer day in New York, a young lady, Elizabeth Cady Stanton, was invited to tea with four women friends. When the course of their conversation turned to the situation of women, Stanton showed her discontent with the sanctions placed on her own situation under America's new democracy. The States got freedom a long time back now but women had not gained freedom even though they'd taken equally risks and put their lives in danger for the same freedom. Stanton's friends agreed with her immediately and passionately. This was definitely not the first small group of women to have such a conversation, but it was the first to plan and carry out a specific, large-scale program. This had started in America and there had been no looking back. The women folks stood to assert their rights and to be the active partner in the business. They started to press for their involvement in all spheres of life. The male dominated society had started to understand that this section which had been considered weak for centuries could not be suppressed anymore. 1920s in American history witnessed a huge transition thorough amendment in constitution with the first version of amendment of an Equal Rights that said “**Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.**”² Finally consciousness and justice is restored by law in regard to the most important part of the society.

Today American women are living the legacy of this afternoon conversation among women friends.

Let us now talk about our country's perception and consciousness about women rights in the light of the fact that ours has been more conventional and pragmatic society.

There had been no revolution or agitation whatsoever for women rights in India. Equality for women in India was acknowledged as early as in 1925, **The Commonwealth of India Bill**, 1925, in clause 7 petitioned for equality before the law and offered that there shall be no disqualification or disability on the ground of only sex along with the provision that all persons were to have equal right to the use of roads, courts of justice, and all other places of business or resort dedicated to the public.

The post independent India made numerous provisions in her constitution to provide protection to women rights. Our constitution itself is a guardian of women rights. The Constitution of our country empowers the citizens to claim some rights which are delineated in Article 14 to 18. Article 14 states that **“The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”**³ It is clear that there would be no distinction whatsoever on the basis of gender and all people should be provided with equality that would be male or female. At the first instance this article may seem to be ambiguous but article 15 further clarifies the vagueness if there is any of the aforesaid article. Article 15 of the India Constitution says that

“(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or any of them. In particular, no citizen shall, on grounds only of religion, race, caste, sex or any of them, be subject to any disability, liability, restriction or condition with regard to

(a) Access to shops, public restaurants, hotels and places of public entertainment, or

(b) The use of wells, tanks, roads and places of public resort maintained wholly or partly out of the revenues of the State or dedicated to the use of the general public.

(2) Nothing in this article shall prevent the State from making any special provision for women and children.”

I would recommend emphasis be laid on the second point in which the state has been empowered to make special provisions for women and children.

Article 16 guarantees equality of opportunity in matters of public employment and prevents the State from any sort of discrimination on the grounds of religion, race, caste, sex, descent, place of birth, residence or any of them. It means that the women should be given equal opportunities without bias of gender. They should not be treated unsubstantial in terms of physical efficiency. No piece of work should be denied to them just because they are considered to be vulnerable.

So ostensibly we can understand the chauvinistic mentality has led

to the vulnerability of women in the society though they form half equal part of the society just as the male counterparts. But they were denied their rights globally. Indian society now is opening up to their demands for equal rights. Provisions in our constitution have moreover provided strength to this legit demand for women rights. The Constitution of India truly provides vigilance in restoring the physical and psychological integrity of women through clearly delineated women rights.

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