

Full Length Research

Human Rights Violation in India with Special Reference to Sexual Harassment of Women Folk

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Human rights are the basic entitlements, bestowed upon each and every human being by virtue of birth. Human rights are moral principles or norms, which describe certain standards of human behavior, and are regularly protected as legal rights in both national and international law' as they are usually known as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being," and which are "inherent in all human beings" regardless of their nation, location, language, religion, ethnic origin or any other status. Human Rights may include freedom from unlawful imprisonment, torture, and execution. Every person in this world has its own rights like as right to life, liberty and equality in his society. Human rights are universal values and legal guarantees that serves and gives protection to all individuals and groups against actions and omissions primarily by the state agents that interfere with fundamental freedoms, entitlements and human dignity. Human right law obliges Governments (principally) and other duty bearers to do certain things prevent them from doing others. Human rights are (law) any basic right or freedom to which all human beings are entitled and in whose exercise a Government may not interfere (including rights to life and liberty as well as freedom of thought and expression and equality before the law). In Indian context Human Rights were related to the concept of Sarvodaya means "Universal upliftment of man" as called by M.K Gandhi and also J.L Nehru's concept of human rights was "an unbroken continuity between the most modern and the most ancient phases of Hindu thought extending over three thousand years". The rights of man have been the concern of all civilizations from the time immemorial.

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INTRODUCTION

Human Rights Violation in India is happened in every part of India. In Indian context Human rights in India were discussed on the concept of "Sarvodaya" which means "Universal upliftment of man". This concept of Sarvodaya was forwarded by M.K Gandhi. India constitution also provides 6 fundamental rights to its citizens like as (i)

Right to equality (ii) Right to freedom (iii) Cultural and educational rights (iv) Right against exploitation (v) Right to freedom of religion (vi) Right to Constitutional remedies. These all concepts are asked on the basis of international law of Human Rights.

Human Rights concept is very old in Indian society.

These are the claims and demands of a person or a group of persons in a society which are accepted by the community or society as his basic norms of life. Human Rights are commonly bestowed upon each and every Individual by virtue of birth. These rights are like as all men, women and children are treated with respect to dignity, honor and status like as Human beings in our community or society, it is our birth right that all of us should be given equal attention and treatment and should not be discriminated on the basis of sex, religion, caste, color, gender or any other thing else.

Human Rights violation is defined as when state agents like as (Police men, Bureaucrats, Forest or Armed Officers) or any other person who is acting on behalf of state, does anything to reduce, disrespect or interfere with another person's Human rights then it becomes a Violation. Human Rights are claimed against private person's violation. Nevertheless, if a private person violates someone's rights relating to life, liberty, equality and dignity, then victim can approach to the court for redressal. If the court/ state fails to stop and punish the violator then it also becomes a human rights violation e.g. as Physical torture of suspects of crime or convicts by the police, this is a violation of the right to Human dignity and physical security. FIR refusal by the Police officer of a women being harassed by a group of persons in a train. This type of violation is the fight to equal protection of law. It is also a case of Human Rights violation if the upper caste people denied to allow Dalit's to worship in a temple or drink water in a public well. "The concept of the rights of man and other fundamental rights was not unknown to the people of earlier periods" again M.K Gandhi said "I do not want to think in terms of the whole world. My patriotism includes the good of mankind in general. Therefore, my service to India includes the services of Humanity"

Sexual harassment of women in India is the most critical Human Rights violation from the very Ancient periods. Sexual harassment constitutes a total violation or assault of women's right to equality and dignity. Violence against women in India is increased day by day. The violence cases against women in 2008 were 195585, in 2009- 203804, in 2010- 213585, in 2011- 213585, in 2012- 244 270. In 2012 the crime incidents against women has increased 6.4% and a crime against women is committed in every three minutes.¹

OBJECTIVES

- a) To understand and analyze the Human Rights Violation in India with special reference to women folk.
- b) To understand and analyze the effects and impacts of Human rights violation on modern Indian society.

- c) Role of different agencies in highlighting the Human Rights violation in India.
- d) To understand and analyze the constitutional remedies in controlling the Human Rights violation in Indian society.
- e) Women sexual harassment on work places.
- f) Different acts against the Human Rights Violation in India.

Sexual Harassment as defined by Dzeich ET. AI has divided Harassers into two classes

- 1) Private Harassers carefully cultivate a restrained and respectable image on the surface, but when alone with their target, their behavior changes.
- 2) Those Harassers who violated rules in Public are flagrant in their seductive or sexist attitudes towards students, colleagues, subordinates, servants etc.

Another Philosopher Langelan described Sexual Harassers into four classes like as:²

- 1) **Strategic or territorial Harasser:** those harasser persons who seek to maintain privilege in jobs or physical locations.
- 2) **Street harasser:** it includes verbal and non-verbal behavior, signs that are frequently sexual in nature and comment on physical appearance or a person's presence in jail.³
- 3) **Dominance Harasser:** those persons who engages in harassing behavior as an ego boost.
- 4) **Predatory Harasser:** those persons who gets sexual thrills from humiliating others.

Types of Human Rights Violation in India

- 1) The most highlighted Haman rights problem involved police, and security force abuses along with extrajudicial killings.
- 2) Rape
- 3) Torture
- 4) Corruption.
- 5) Sexual Harassment at the Workplace
- 6) Death Penalty
- 7) Fake Encounters
- 8) Involuntary disappearances
- 9) Extraordinary Laws
- 10) Sati
- 11) Child Marriage
- 12) Child Labour
- 13) Prostitution
- 14) Prisons
- 15) Wages to Prisoners

- 16) Sexuality
- 17) Custodial Violence
- 18) Project displacement
- 19) The internally displaced due to conflicts
- 20) The 'unwanted' girl child
- 21) Freedom of Expression
- 22) Dalit's
- 23) The 'neglected' child
- 24) Child Abuse
- 25) Medical Research
- 26) Population Policies
- 27) Organ Transplant
- 28) Tourism
- 29) Right to Information
- 30) Bhopal gas tragedy compensation of victims
- 31) Environment and Pollution
- 32) Refugees
- 33) Land Alienation
- 34) Right over Resources
- 35) Preventive Detention
- 36) Detention
- 37) Missing Women
- 38) Clamping down on protest
- 39) Disability
- 40) Corruption and Criminalisation of Politics
- 41) 'Natural' Disasters
- 42) HIV and AIDS
- 43) Denotified Tribes
- 44) Political violence by non-state actors
- 45) Urban Shelter and Demolition
- 46) Livelihood
- 47) Bonded Labour
- 48) Anti-liquor Movements
- 49) Domestic Violence
- 50) Trafficking
- 51) Homicide in the Matrimonial Home

The Human Rights violation in India is increased day by day. All sects in Indian society are almost influenced by these crimes. However Indian Constitution under Article 21 provides us right to life and like with dignity, which is equally for women also. All crimes like as child marriage, Gas rape, extrajudicial killings, sexual harassment of women at work place are increasing day by day and society is also degrading with these humiliating crimes. Government or states should be now active on maintaining and should control these things as soon as possible. Another barbaric thing such as dowry Harassment and bride burning should be controlled immediately as thousands of young married women in India are routinely tortured and murdered by Husband and who also want more and more dowries from the bride's parents. The surveys showed that around 5000 women die every year due to heavy dowry load and at least dozen die each day in kitchen fires.⁴ another crime like as Rape, almost 255 of rapes are of girls under 16

years of age and almost 24000 rape cases were reported in India in the year 2012.

These all problems remained widespread and contributed to ineffective responses to crimes. Sexual harassment of women is domineering or coercion of sexual nature, or the unwillingness or unwelcome or inappropriate promise of rewards in exchange for sexual favors.⁵ sexual Harassment is illegal as defined by USEE (equal employment opportunity commission) as "it is unlawful to harass a person (an applicant or employee) because of that person's sex. "Harassment can include "sexual Harassment" or unwelcome sexual advances, requests for sexual favors or verbal or Physical Harassment of a sexual nature.

Sexual Crimes

Rape is one of the most common crimes against women in India grouping and touching inappropriately obviously against sexual Harassment, but that is lower type of crime of Sexual Harassment.

The Act of 2013 in which sexual Harassment include the following

- a) Any type of physical contact and advances (means you can't touch anybody unsuitably.
- b) A call or request for sexual favors.
- c) Showing pornography.
- d) Making sexually colored remarks (nor sexist jokes or Human hater humor.
- e) Any other unwelcome, verbal, physical or non-verbal conduct of sexual nature.

Under the Act, the below five also count as sexual harassment

- 1) Explicit or implied promise of preferential treatment in her employment.
- 2) Undignified treatment likely to affect her health or safety.
- 3) Explicit or implied threat about her present or future employment status.
- 4) Explicit or implied threat of detrimental treatment in her employment.
- 5) Offensive work employment for a woman like as (St. Stephens college sexual harassment case).

CONCLUSION

India should control Human rights violation in every part of its territory. It is almost essential for every country to control and maintain its law and order situation so that the country will develop and prosper perfectly. The most

highlighted reason of sexual crime is late marriage and dowry system in Indian society. Another reason of sexual crime is dress code of women folk. Also, late night clubs and night parties in which wine is used as an entertainer in functions are another reason of sexual crime in India.

Almost 90 percent of women folk don't complaint against their sexual harassment in police stations as they think they will not receive any good response or any help from these law enforcing agencies. Another cause of not reporting is they were afraid of public humiliation

The top most reason for the increase of sexual harassment in India is "absence of fear of law". It is believed that harsh punishment such as Death penalty would decrease the sexual crimes against women and also life imprisonment is an effective step to stop such barbaric crimes. Fast tract courts would be set up to track crimes immediately.

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