

## **Human Rights and Violence Against Women, Dalits and Minorities in India Since 2014**

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### **Abstract**

Human rights are very elementary and essential rights for advancement of an individual and group of people. This paper defines the conceptual framework of human rights. Furthermore, what are the fundamental rights that ascribed in the constitution of India that fulfils the value and spirits of human rights. In addition, the violence incidents against the women, Dalits, and minorities are explained. The national crime records Bureau data are used. Causes and implications of violence are mentioned to search out the problem's root cause. The author also provides some suggestions and recommendations to deal with the problems. Critical analysis of empirical facts and data is used to analyses the problem and finds the conclusion.

**Key Words:** Human Rights, Violence, Gender justice, hate speech, Dalits violence, Minorities.

### **Introduction**

Human rights are a bunch of thoughts which have possession of individuals or group of individuals simply being as human. It is a result of inherent human vulnerability or a requirement of a human and just society. It has values and moral principles for the enhancement of human capabilities, protection of their interests. The common observation of human rights is to require the rationalization of different values and potentialities that secure the well-beings individually and collectively. There is also a common observation that is a requirement of expressed moral and legal demands which are often distressed by social and natural forces as a result of exploitation, oppression, persecution and other form of deprivation.<sup>i</sup> The definition of human rights is that being a human, human being is born with some natural rights. These rights are fundamental to humanity, so it called human rights. In the broad sense the rights to life, liberty and property are basics natural rights according to John lock. Thomas Hobbes defines life, security, property are fundament rights for development of the society. Freedom id essential principle according to Lock. "There is no conscious of a society or nation its own; the individual has the consciousness and who either exits in freedom or face the bondage. the freedom of a nation or society can the freedom of individual or group that compose it free."<sup>ii</sup>

### **Human Rights**

The solid expression of human rights was seen after the end of the World War II when the United Nations adopted the fundamental principles of "Universal Declaration of Human Rights" 1948. In the declaration the following rights had been described.

- All human being is born free and equal in dignity and rights. Art. 1
- Everyone has entitled to all rights and freedom that are in the declaration without nay discrimination on the basis of race, sex, gender, colour, language, and religion etc. Art. 2.
- Each and every individual have right to life, liberty and security of person. Art. 3

- No one should hold in slavery. And slavery is prohibited in all its forms. Art. 4
- Any individual would not be treated inhuman condition and tortures. Art. 5
- Every individual's right must be recognised and should be upheld as a person before law. Art.6
- All kind of arbitrary arrest, detention or exile of any one shall be prohibited. Art.9
- All men and women have right to do marriage and form family. Family is basic natural entity of the society. And it must be protected by society and state. Art. 16.<sup>iii</sup>

In addition to this declaration many other rights have expressed in the declaration that belongs to individual and person any where in the world. They illustrate that each and every individual or group must be protected by society and state through passing and enforcing the due process of the laws.

*The objectives* of the paper to place and analysis the following questions?

- What are the values principles that enshrined in the Constitution of India fulfil the sprite of human rights declaration?
- After the Independence to what extinct the goal of rights has been achieved?
- The causes of violence against Women, Dalits and Minorities in India?

### **The Rights Expressed in the Constitution of India**

The Constitution of India which adopted in 1949, clearly articulated the fundament rights of citizen and individuals in part III. In part IV it delivers additional directive principles to guide the state and government to encourage economic, social, and cultural well-beings to the citizen of India. "The fundamental rights of the Constitution are tailed.

1. Equality before law and equal protection of Law. Art. 14
2. Prohibition of discrimination on the ground of religion, race, caste, sex, or the place of birth. Art. 15
3. Equality of opportunity in public employment. Art. 16
4. Abolition of untouchability. Art. 17
5. Abolition of titles. Art. 18
6. Right to freedom and freedom of speeches and other. Art. 19
7. Protection of life and personal liberty. Art. 21
8. Protection of traffic in human being and forced labour. Art. 23
9. Freedom of Conscious and free profession, practiced and propagation of religion. Art. 25
10. Freedom to manage religious affairs. Art. 26
11. Protection of interests of minorities. Art. 29
12. Rights of minorities to establish and administer educational institutions. Art. 30 etc.<sup>iv</sup>

The directive principles also give instructions to the state for socio- economic development of the citizens. Secure social order for welfare of the people (Art.38), State will promote men and women equally right to an adequate means of livelihood (Art. 39a), Distribution of resources for the common good (Art. 39b), Equal justice and free legal aid to any citizen. (39A), Right to work, education, and public assistance in certain cases, (Art. 41), Provision for just and humane condition of work and maternity relief, (Art.42), Promotion of educational and economic interests of schedule caste, schedule

tribes and other weaker sections of the society. (Art.46)<sup>v</sup>. These are some principles in the constitution for governing the state. Both the fundamental rights and directive principles of the Constitution are fulfilling the values and sprites of the human rights declaration of 1948.

### Violence Against the Women

Violence against women in India is very common phenomena. In December 2012. The shameful Delhi gang rape displayed the evidence of state of affairs. Prime Minister Narendra Modi had condemned the rape and molestations saying, “When We hear about these rapes, our head hanging in shame”, in his first independence speech in 2014.<sup>vi</sup> The National Crime Records Bureau’s data of last six years presents the different scenarios. The violence against women had increased sharply in last six years (2016-2021). In 2016 the registered cases of violence against women were 338954 and in 31 December 2021 the number of cases reached 428278 according to NCRB. The increase in the crime is 26.35%. The type of the violence are rapes, abductions, domestic violence, dowry death and tortures, and sexual assault. The Uttar Pradesh State was top on the list with number of cases 56000 about. And Rajasthan and Maharashtra were second and third consequently.<sup>vii</sup> These data shows society is not changing its behaviour towards women.

Domestic violence in Indian society is also natural incident. Nearly more than 70% women faces domestic violence of different types. Indian criminal Law Act had introduced section 498A. It says, “Husband or relatives of a woman subjecting her to cruelty”. The National crime records bureau’s data exhibited that on every 29 minutes a woman is being raped, on every 77 minutes a dowry death happens, and every 9 minutes a cruelty case against women was being registered.<sup>viii</sup> Furthermore, child marriage, female infanticide, and sex selection abortion, eve teasing, molestation, kidnaping and abduction, gang rapes are happening, that are violation of basic human rights of women.

### Violence Against Dalits

Atrocities against the Dalits in India is very frequent incidents. Despite 1989 Atrocities (Against SCs and STs) prevention Acts, there are no let-up in the violence against Dalit Women. The National Crime Record Bureau data showed that there an increase of 29% cases of crime against Dalits from 2012-14. There example of cases: “A 19-year-old Dalit woman allegedly raped and assaulted by the upper-caste men in the Hatharas, in Uttar Pradesh.”<sup>ix</sup> In the Dalod village in Gujrat’ Ahmadabad district, a Dalit person died in the dispute to use the land for burial purpose on June 23, 2023, the land was seven hectare. <sup>x</sup> In February 29, 2016, Raju Birwa was being killed by some one in Rajasthan, district Dausa, when wedding ceremony was taking that day.<sup>xi</sup> On July 11, 2016, in Una town of Junagardh district, Gujrat, four Dalits were beaten brutally by cow protectors, when they were skinning the carcasses of the cow on the allegation of killing holly cow.<sup>xii</sup> According to National Crime records Bureau atrocities and crimes against scheduled caste surged by 1.2% in 2021 with the number of cases (50900) to 2020 (50291). Uttar Pradesh had topped the report with number of case (13146) against the SCs, that is 25.82% increased, followed by Rajasthan 7524 case (14.7%), and Madhya Pradesh was on the third position with number of cases 7214 (14.1%) in the year 2021. While Bihar accounted 5842 cases (11.4%) and Odisha 2327 (4.5%.) these five states reported 70.8% of total cases of atrocities against Scheduled Castes.<sup>xiii</sup>

## Violence and Hate speech against Minorities

Hate speech and violence crime against minorities are very common in Indian society. But since 2014 these types of crimes are increasing rapidly. Number of lynching incidents are happening. The killing of Samshad Ansari in Sikni village of Ramgarh district, Jharkhand on date August 22, 2023, (India Today, 2023); on August 19 another incident of lynching happened killing Wasim, a 27-year-old, Asif and friend Azruddin, in Narol village of Rampur area of Bansur tehsil of Rajasthan's Alwar district, (The Hindu, 2023). There are a lot of such incidents which are clear violation of human rights. February 23, 2020, it was the first anniversary of Delhi Communal riots in which 53 people had been killed, 40 of them were Muslims. The riot incident took place when a protest was being carried out against the discriminatory Citizen Amendment Law.<sup>xiv</sup> On January 1, 2022, online photographs of more than 100 Muslim women were published on an app called "Bulli Bai". It claimed that these women are available "for sale as maids". On the last day of the year 2021, right wing Hindu leaders openly called for genocide against Muslims in the city of Haridwar, Uttarakhand. <sup>xv</sup> Furthermore, numbers of hate speeches cases are seen against the Muslim community. A high rank politician of ruling party had referred to Muslim migrants as "termites" and "infiltrators", on September 2018. "Shoot the traitors" referring to the opposing the controversial citizen amendment bill by right wing politicians, on December 2019. There had been a large number of increase of hate speeches nearly 490's percent according to publish a report by NDTV English News Channel in 2018 by the politicians.<sup>xvi</sup>

Other minorities such as Christian also faced violence. On Christmas 2021, St. Paul Cathedral held a night march protest against the government order that had blocked the foreign funding of missionaries' charities that charities were performed by Mother Tressa Founda. In the same year, in Agra, an effigy of Santa Claus was burned by Bajarang Dak member, the right-wing group, alleging the Christian Church were converting others into Christian.<sup>xvii</sup> So lot of violation against them are easily identified.

## Causes of Violence

There are some causes of violence.

1. *Patriarchy* is one of them. Society is male dominated. All the norms and the values are formed in accordance to man perspective. The nurturing of child after the birth are different in presenting toys, dressing, eating, talking and expressing. That fosters patriarchal structure where a boy is more preferred person than girl. Family's institutional values, marriages hereditary property distribution norms all these shape discrimination in the society.
2. *Dowry tradition* is unfortunate one in which a girl's family pay some property to the family of bridegroom in marriage ceremony that causes additional financial burden. Due to it many females are unmarried. It fosters discriminations.
3. In Indian society most of the women are *financially dependent* on their husband, father, and brother or on the male, so they always feel financial insecurity in life, and ready to bear violence and discriminations.
4. *Hierarchy and natural superior believes* in the male are common. Societal norms and principles are treating male more powerful and superior that causes gender discriminations.

5. *Lack of education*, in society. People are less educated. Education is very costly and time taking process. In a common family head of the family member makes discriminations between boys and girls. Girls are behind in education that leads them making weak in financial position and earning better livelihood, etc. people are doing honour killing early child marriages in lack of education.
6. *Communal violence and Hate speeches*: it also causes tension between different communities of the society that led communal riots and conflict. In any riots the most affected section of the society are women and children. Women and girls are commonly raped in communal riots.
7. *Caste and Religion division*, in Indian society are very conventional. Caste hierarchy is found in all religions and people treatment men and women conferring to their castes, especially to do marriages. Different castes fight also for making themselves more powerful and prosperous in comparison to others. That leads conflict and violence. Religious animosity also treats women violently. Hijab ban, attacks on the minorities places of worships harvest violent riots. And women suffer mostly due to religious riots and violence.

## Discussion

After independence lots of goals referring to the protection of human rights have been achieved. Different kinds of acts had been built to protect the rights. But Indian society is diverse and complexed. People of different cultural believes, eating practices, languages, races, castes and ethnicity are living. Indian society is community-based society. Western principles of individualism, extreme liberty, and personalism, have been imposed political and economic system of laws and administrations. This generates tension in the society. The principles of human rights and fundamental rights are gradually executed, while the society's norms and practices are not shifting with the same rates, they endure traditional or less modern that engenders violence and strain in the society.

## Conclusion

Violence against women, Dalits and minorities that encroach upon basic human rights, is natural phenomena. India is diverse cultural believes society and complexed and traditional in nature. Being a developing nation, our societal development is in transitional phase. So, the old values and customs are inconsistent with news values of human rights. But the issue can not be leave on this ground. There are few suggestions and recommendations for ending violence against them.

- Strict laws should be built. No laws had been made so for against mob lynching crimes.
- Implementation of the laws in fast and fair manner are very essential to curb the problems.
- Speedy justice system for hate crimes, mob lynching, and raped and sexual assaults.
- Encourage educations and make society more aware and gender and weaker section sensitives.
- Hate speech and communal violence must be ended. Supreme court of the India had given directions to the state that without any delay state governments should take Suo-Moto actions against hate speeches and hate crimes.

- The need of political culture reforms, through civils society. Politicians and political parties must be restricted towards the crime of hate speech and gender violence.
- Promote employment opportunities among women to make them financially independence.

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