

A Study on Women's Rights and Human Rights

Ms. Tuhina Choubey

Assistant Professor, Kalinga University, Naya Raipur, Chhattisgarh

tuhina.choubey@kalingauniversity.ac.in

ABSTRACT - Due to women's human rights, women can also enjoy social, economic, and political justice in addition to general legal equality. Although though our Indian constitution has clauses relating to equality, freedom, and protection, women continue to face several forms of discrimination today. Women are consistently subjected to oppression and exploitation; this trend appears to cut across practically all cultures and social groups. Numerous legislative measures have been put in place to support women, look out for their interests, protect them from discrimination, promote respect and dignity, give them equal opportunity in the workplace, and respond swiftly in the case of atrocities and crimes, yet frequently these measures fall short. Only paper records persist as a result of improper human approach.

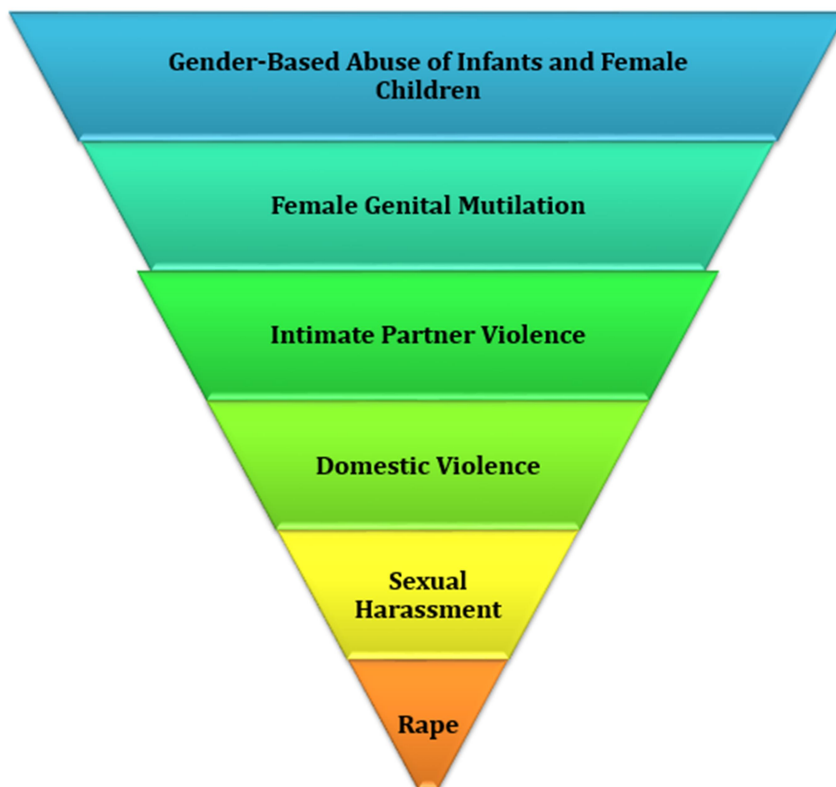
KEYWORDS- Human rights, gender discrimination, constitutional and legal rights, and the impact of constitutional and legal provisions on the changing dimensions of women's lives.

INTRODUCTION- Women were held in a seat of adoration similar to a deity during the Vedic era. It was believed in this time period that when women are adored, the deities themselves live there since, if viewed in actuality, fresh life cannot be envisaged without women. Women make up roughly half of the population, but they are still viewed as less than males in society. When a son is born, joy is celebrated, and when a daughter is born, sympathy is offered. While the transformation is admirable and beneficial in many areas, it is also proving to be negative to women in several sectors. While on the one hand, there has been an increase in indecent behaviour, domestic violence, violence at work, violence on the roads, violence in public transportation, and other places, including physical, mental, and sexual abuse, despite adequate participation in various activities of the society and the country by being educated. On the other side, they lack security in their families as a result of their illiteracy. Every morning, one page of the newspaper is loaded with stories of rape, dowry, feticide, kidnapping, and shame. In light of this, it seems hard to maintain the importance of women's human rights.

If we approach the issue analytically, we can see that men and women, who represent the development axis' finest resource, must work together and participate mutually. In order for society and a country to grow, there must be mutual involvement. The judiciary has periodically made numerous laudable actions to provide the appropriate direction for the advancement and respect of women within the auspices of the United Nations and our constitution. The United Nations Charter declares that women have rights, and that they are entitled to those rights without discrimination. When it comes to women's constitutional rights, enough action has been

done over the past 40 to 50 years through several judicial rulings, amendments, and articles to put an end to gender-based discrimination against women in the male-dominated society. By interfering on the grounds of judicial activism, the court is also now offering clear direction to retain their respect and dignity. Article 14 of the constitution grants rights relating to equality between men and women and prohibits gender discrimination in order to protect the basic rights of women. Under Article 15, special provisions have been provided for women and children. 3. Compliance. Section 16 mandates that all citizens have the equal opportunity to apply for jobs or be appointed to positions held by the State. Compliance. Women were granted the right to freedom and life in 19; the best of all rights, bodily freedom is protected by Section 21. Compliance. In accordance with Section 23, 24, it is illegal to force women into prostitution, begging, or other forms of exploitation that are inappropriate for women's dignity. In accordance with the state's directive premise, women now have rights as well. A woman has the right to appropriate means of support under section 39A, as well as Anu. Equal remuneration for equal labour is outlined in section 39D. Compliance. 42 sets up benefits for new mothers. No. 46 instructs the state to advance the economic and educational interests of the less fortunate groups and to safeguard them from social injustice and all other types of exploitation. There are provisions respecting women's rights in other sections of the constitution. Women now have seats reserved in municipalities and panchayats under the 73rd amendment to the constitution. According to Article 243(3), women must hold a minimum of one-third of the seats up for direct election in the Panchayat. Both men and women have the right to be listed on the electoral roll equally under Article 325. The National Human Rights Commission was established in 1990 under the National Women's Commission Act, 1993, only to protect the rights of women and to create a positive environment. Once these organisations were established, the Law Commission of India conducted many studies for the resolution of women's issues, on the basis of which different laws were also passed.

Indian women frequently experience gender-based violence



RIGHTS TO REPRODUCTIVE AND SEXUAL HEALTH

All people should have the freedom to choose how they want to feel about their bodies. Every woman and girl has the right to exercise her sexual and reproductive rights. Hence, women should have access to health care, including safe abortions and contraception, and be free to choose when, when, and with whom to get married.

All women should be granted the right to live free from gender-based violence, such as rape and other types of sexual assault, female genital mutilation, forced marriage, forced pregnancy, and forced sterilisation. As not all nations provide these rights to women, there is still more work to be done before all women have equal access to them.

Important Indian rulings regarding women's rights

Defense Ministry Secretary vs Babita Puniya and Others (Gender equality in the army)

In dismantling gender norms, the Supreme Court set the stage for a new era of constitutional reform in the Indian Army with its ruling in the Secretary, Ministry of Defense v. Babita Puniya and Ors (2020). According to the court's decision, all female army officers are qualified for both permanent commissions and command duties. The court also declared that the Ministry of Defense's arguments were "backed by sexist preconceptions and beliefs about socially assigned roles of gender which discriminate against women."

This claim partially confirms a pervasive prejudice that implies women are solely responsible for taking care of the home. Such ideas, in the opinion of the Court, are faulty and in violation of Article 14 of the Indian Constitution. Due to their extended absences for childbirth, parenthood, and family responsibilities, female officers are more prone to experience service-related risks. It is significant to remember this decision, which paved the way for gender equality in the military forces.

East Delhi Municipal Corporation v. Vindhya Saxena (Permission to use mother's last name)

The Delhi High Court ruled in *Vindhya Saxena v. East Delhi Municipal Corporation* (2021) that each kid may use their mother's name as long as it is acceptable and that a father does not have the authority to impose rules on his daughters. The order was given by the court at the hearing in response to a request from the father of a little girl who wanted to replace her mother's surname with his own. The judge rejected the plea, refused to issue such a directive, and asserted that the father did not possess his daughter. The judge ruled that the little girl may take her mother's last name if she so chose. It was decided that every kid has the freedom to choose whether or not to use their mother's last name.

CONCLUSION – True equality won't exist until women and girls have complete access to all of their rights, including those related to sexuality, freedom from violence, access to education, and maternal health. Economies and nations won't change until women have assumed leadership and peacemaking responsibilities and have an equal political voice. And only then will all women and girls possess the right to self-determination.

In conclusion, we may state that there is a significant disconnect between the supposed achievement of women's emancipation and the reality on the ground. The efforts put forward to do this appear sporadic. The current state of affairs plainly demonstrates the absence of strong political will; it would seem that numerous strategies and programmes designed to elevate women have fallen short of their goals or taken a wrong turn. The United Nations does not have a formula on how to apply the laws enacted for women's empowerment at the international level, thus they are merely holy statements. They are comparable to the Directive Principles of state policy, whose execution is at the state's discretion. In addition, the lack of active enforcement of legislation enacted at the national level to empower women casts doubt on their achievements and leads them to believe that the government and parliament of their nation are unconcerned with issues affecting women. So, it is evident that empowering women is a major objective that cannot be accomplished without multifaceted programmes. To do this, it will take a coordinated effort from all political, administrative, legal, and social parties to identify the barriers to women's emancipation. Women have been granted equal rights by constitutions all throughout the world, but these rights are only expressed in writing. Every day, new accounts of harassment are added to the pages of women's experiences, particularly in a nation like India, where old customs like feticide, child marriage, dowry, sati, devdasi, and disrespect for widows are still practised. At this time, there were numerous social ills prevalent, including female infanticide,

sati, child marriages, the Purdah system, and worsening conditions for widows. They were denied the freedom and social mobility they were entitled to due to the rigidity of the caste system. She was compelled to live a life apart from her family and from society. Sati's inhumane practises were now forcibly prevalent.

REFERENCE- <https://hindrise.org/resources/gender-based-violence-in-india/>
<https://legalserviceindia.com/legal/article-8274-women-s-human-rights.html>
<https://www.researchgate.net/publication/359478479> **An Analytical Study of Human Rights and Women**
<https://www.clearias.com/women-organizations-india/#:~:text=The%20status%20and%20role%20of,for%20their%20rights%20and%20equality.>
<https://womenlawsindia.com/legal-awareness/indian-laws-on-women-rights/>
<https://blog.iplers.in/all-about-womens-rights/>