

# WOMEN RIGHTS IN INDIA AND THEIR CHALLENGES

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## ABSTRACT

*It is a fundamental human right for all women to have access to basic necessities, such as freedom from discrimination and violence, as well as the ability to pursue their dreams and aspirations. These rights include the right to the highest attainable standard of physical and mental health, the right to education, property ownership, voting rights, and equal pay. Sadly, in India, the position and status of women have been a contentious issue for centuries, with deeply ingrained contradictions within the society. While women are revered as goddesses, they still face marginalization and various forms of abuse and violence throughout their lives.*

*Despite the progress that has been made in some areas, gender inequality continues to be a pervasive issue around the world. It underpins many challenges that women and girls face, such as domestic and sexual violence, low pay, lack of access to education, and inadequate healthcare. Therefore, it is essential to ensure that women have equal opportunities and are treated with respect and dignity, regardless of their gender. By promoting gender equality, societies can benefit from the contributions of all individuals and build a more just and equitable world for everyone.*

*This paper delves into the frequent violation of women's rights in India, which occurs in various aspects of their daily lives such as in their homes, workplaces, and in public spaces. The paper explores the issue of women's identity in India, perspectives on women's rights, and the pervasive influence of patriarchy on notions of equality and the legal system. In patriarchal societies, women often suffer in silence and are deprived of personal freedom, constrained by rules that are made by men.*

*Additionally, the paper examines the constitutional provisions related to women's rights and the issue of gender discrimination in male-dominated societies. It highlights the need to increase awareness and develop strategies that can effectively address these issues and foster empowerment and equality for women.*

**Keyword:-** *Women Rights, human rights, Discrimination, Challenges of women rights , Measures to eliminate the challenges, Women empowerment, Gender equality*

## 1. CURRENT STATUS OF WOMEN

The people of India referred to their country as "Bharat-Mata," but its true meaning was not fully comprehended. It is crucial to honour and protect our motherland, Bharat-Mata, as she is the mother of all Indians. Women constitute around 50% of the world's population, and in Indian culture, they are revered and worshipped as embodiments of various qualities such as LAXMI MAA, the goddess of wealth, SARSWATI MAA, the goddess of wisdom and power, and DURGA MAA, the goddess of strength, as per the Vedas Purana.

In fact, the status and position of women in India has been a subject of controversy for ages, as it reflects the contradictory and paradoxical nature of Indian society. In one way, women are considered goddesses, and in Indian tradition and culture, "Yatra nari pujoyante tatra ramante devta" [1] means women are worshipped as goddesses. Yet,

at the same time, women are considered to be in a secondary position and suffer atrocities from before birth to even after death.

Now-a-days, women are increasingly gaining control over their lives and are actively taking their own decisions with regard to their education, career, profession and lifestyle. Women have demanded equality with men in matters of education, employment, inheritance, marriage, and politics and recently in the field of religion to serve as priests. Also, women need to be given equal opportunities for education and employment without any sense of discrimination.

However, in reality, women's empowerment is still an illusion of reality. We observe in our day-to-day life how women become victimized by various social evils. The empowerment of women is a vital step in expanding their access to resources and making strategic life choices.

"You can tell the condition of a nation by looking at the status of its women".... Jawaharlal Nehru

## 2. CONSTITUTIONAL RIGHTS AND SAFEGUARDS TO WOMEN – CONCEPT OF PROTECTIVE DISCRIMINATION

The Indian constitution embodies a commitment to ensuring gender equality and empowering women in all spheres of life. In addition to granting women equal status with men, the Constitution empowers the state to take positive action to address the cumulative effects of socioeconomic, educational, and political disparities that women face. This includes measures such as special laws, policies, plans, and programs that aim to promote gender equality and the advancement of women.

The Constitution's framers were keen to provide justice, liberty, and equality to all citizens, regardless of their gender, as evident in its Preamble, Fundamental Rights, Directive Principles of State Policy, Fundamental Duties, and other provisions. The Constitution recognizes that the advancement of women is crucial for the overall progress and development of the nation. By acknowledging the unique challenges that women face and taking affirmative steps to address them, the Constitution seeks to create a more equitable and just society.

Hence, one can understand that the framers intended to create a society with gender equality that directly or indirectly promotes women's empowerment. The rights and safeguards enshrined in the constitution for women in India:

1. The right to equality and equal protection of laws [Article 14]
2. The state shall not discriminate against any citizen of India on the ground of sex [Article 15(1)]
3. The state is empowered to make any special provision for women. In other words, this provision enables the state to make affirmative discrimination in favour of women [Article 15(3)]
4. No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex [Article 16(2)]
5. Traffic in human beings and forced labour are prohibited [Article 23(1)]
6. The state to secure for men and women equally the right to an adequate means of livelihood [Article 39(a)]
7. The state to secure equal pay for equal work for both Indian men and women [Article 39(d)]
8. The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength [Article 39(e)]
9. The state shall make provision for securing just and humane conditions of work and maternity relief [Article 42]
10. The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation [Article 46]
11. The State to raise the level of nutrition and the standard of living of its people [Article 47]
12. It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women [Article 51-A(e)]

13. One-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women [Article 243-D(3)]
14. One-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women [Article 243-D (4)]
15. One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women [Article 243-T(3)]
16. The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide [Article 243-T(4)] etc.
17. The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than eighteen years of age irrespective of gender, status etc. entitle to be a voter. [ Article 325[11]and 326[12]]

Article 14 ensures that the state shall not deny to any person equality before law. It prohibits class legislation but permits reasonable classification. This is a very important provision which provides equal legal protection to women against any women-based crime

“It is impossible to think about the welfare of the world unless the condition of women is improved. It is impossible for a bird to fly on only one wing.”

- Swami Vivekanand [2]

### 3. CHALLENGES RELATED TO WOMEN

While there has been progress in terms of women's representation in leadership roles across government, business, and non-government organizations, the fact remains that women continue to make up the majority of the world's impoverished, undernourished, and undereducated. Low assets and income are often intertwined, as a lack of education can lead to low income, poor health, and limited educational opportunities.

As a result, women continue to face a variety of challenges related to their socio-economic status. Some of the major challenges include:

#### 3.1 Health problem

We have made progress in several areas related to health as evidenced by the successful elimination or control of diseases such as smallpox, leprosy, polio and TB, but other indicators point to significant problems. There is a high prevalence of malnutrition among women, which impacts their ability to learn. Our maternal mortality rates are still far too high. After giving birth to babies, women suffer a lot of problems like lack of calcium, hemoglobin, vitamins. Our rural population continues to lack access to affordable healthcare. The weak social infrastructure such as the lack of health centers ,drinking water, sanitation and hygiene facilities also creates challenges.

### **3.2 Problems related to education and literacy**

A broad objective of the national policy on education (NPE), 1986 modified in 1992 has been that education should play a positive and interventionist role in correcting social and regional imbalances, empowering women. Education is the most critical strategic variable affecting the status of women. The status of women in our country has, due to conservative traditionalism, been considered lower than that of men throughout the centuries. Despite the recognition that women's rights are equal to those of men, the majority of women still live-in primitive ignorance as they have. Parental attitude , lack of infrastructure , lack of security, superstitions related to girls , socio economic condition of parents are the major challenges for promoting girl's education in India.

### **3.3 Violence against women**

Violence against women is disrupting society almost every day as it affects the lives of women. Every day, more and more women are being victimized by violence due to a rise in crimes against women. They may face violence within the family (dowry related harassment , death, marital rape, wife battering , sexual abuse , deprivation of healthy food or, outside the family - kidnapping ,rape murder etc.

### **3.4 Gender discrimination**

Women are considered as a weaker section of society than men and given less importance. Patriarchal system families in India also discriminate between men and women in terms of power and work. Gender discrimination affects woman in the areas like nutrition , education, health care , decline of female population, public life etc.

### **3.5 Domestic labour and Bonded labour**

Boys and girls are systematically told that the main responsibility of women is household work and bringing up children. Women do all the work inside the house such as cooking , cleaning , washing clothes , tailoring, looking after the children etc . It is not that men cannot do such work; they simply think that it is for women to handle. When these jobs are paid for, men are ready to take up such work.

### **3.6 Income issue**

A very small percentage of women are employed in highly paid and valued positions. Though on an average, Indian women work for fourteen to fifteen hours in a day but do not earn income .

### **3.7 Mental harassment**

Most of the women, especially those who are married face mental harassment in their family, as well as outside in social circles. Not only does this limit their thought process but it also de-motivates them, and they are unable to utilize their full potential and are left with a feeling of depression and stress.

## **4. ROLE OF GOVERNMENT TO PROMOTE EMPOWERING RIGHTS OF WOMEN**

The government of India has taken enough initiative to promote women's empowerment rights by introducing a variety of schemes and policies that not only improve the social status of the female population but also address social plights like maternal mortality, female infanticide, and female foeticide. Other than government schemes, various bills and acts strive for a society that is forward-looking, bias-free, and radical in its thinking. The government has also taken steps to reduce social hostility towards women through new regulations. Some of the acts that ensured a special provision and preserved the interest of women belonging to different castes, from the time of independence to the present include [3]:

- The Special Marriage Act, 1954
- The Hindu Marriage Act, 1955
- The Hindu Adaptation and Maintenance Act, 1956
- The Hindu Adaptation and Maintenance Act, 1956
- The Hindu Minority and Guardianship act,1956
- The Hindu Succession Act, 1956
- The Immoral Traffic (Prevention) Act, 1956
- The Dowry Prohibition Act, 1961
- The Maternity Benefit Act, 1961
- The Medical Termination of Pregnancy Act, 1971
- The Equal Remuneration Act, 1976
- Indecent Representation of Women (Prevention) Act, 1986
- National Commission for Women Act, 1990
- Prohibition of Child marriage Act, 2006
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

All of these provisions have been successful in contributing to the social and economic development of the country as well as uplifting the status and position of women. This was the episode of the nation awakening from the slumber of darkness.

## 5. DIFFERENT GOVERNMENT SCHEMES SUPPORTING WOMEN EMPOWERMENT

The government has recognized the issue of women and implemented various mechanisms to combat atrocities against women and uplift their spirits.

Some of the schemes are listed below [4]:

- The Beti bachao Beti padhao
- Pradhanmantri Mahila Shakti Kendra
- Women helpline
- The NAND Ghar Yojna
- Rajiv Gandhi Nation Creche Scheme
- The One Stop Centre Scheme
- Working Women's hostel
- Pradhanmantri Mantri Vandana Yojna
- The Swadhar Greh Scheme
- The Mahila e-haat Scheme
- Mahila Police Volunteers Scheme
- The National Mission for empowerment scheme
- The Pradhanmantri Ujwala Yojna

## 6. ROLE OF EDUCATION IN WOMEN EMPOWERMENT

“If you educate a man, you educate an individual, however, if you educate a woman, you educate a whole family. Woman empowered means Mother India empowered” - Pandit Jawaharlal Nehru.

Women education in India plays a very significant role in the overall development of the country. It not only helps in the development of half of the human resources, but also improves the quality of life at and outside. It is said that education is the key to all problems. According to M. Phule<sup>7</sup>, “Education is that which demonstrates the difference between what is good and what is evil”. If we consider the above condition, we come to know that whatever revolutions that have taken place in our history, education is at the base of them. Education means transforming one's behaviour in every aspect, such as mentality, outlook, attitude etc.

Education as a means of empowerment of women, can bring about a positive behaviour change. Education is considered a basic requirement and a fundamental right for the citizens of any nation. It is a powerful tool for reducing inequality as it can give people the ability to become independent. Women, who come across discrimination in many spheres, have a particular need for this. The empowerment of women is a global issue, and discussions about women's political rights are at the forefront of many formal and informal campaigns across the globe. Women's education is regarded as an invaluable milestone for their empowerment, as it allows them to confront challenges, to confront their traditional roles, and to change their lives. Education of women is the most powerful tool of change their position in the society. Women in our country are still illiterate in large numbers.

## 7. MEASURES TO ERADICATE THE CHALLENGES RELATED TO WOMEN

To eradicate challenges that are bottlenecks in women's growth and to let them enjoy equal human rights similar to men, strong policies, guidelines, and strong implementation of existing and new policies is required. Some of the suggested measures are listed below:

- Creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential
- The de-jure and de-facto enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres – political, economic, social, cultural and civil
- Equal access to participation and decision making of women in social, political and economic life of the nation
- Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc.
- Strengthening legal systems aimed at elimination of all forms of discrimination against women
- Changing societal attitudes and community practices by active participation and involvement of both men and women.
- Mainstreaming a gender perspective in the development process.
- Elimination of discrimination and all forms of violence against women and the girl child; and
- Building and strengthening partnerships with civil society, particularly women's organizations.

## 8. CONCLUSIONS:

Over the years, both constitutional and ordinary law have played a crucial role in protecting women from atrocities and helping to improve their status in all aspects of their lives. This progress has been made possible thanks to a combination of the efforts of an active judiciary and public-spirited individuals who have fought tirelessly for gender equality and women's rights.

While there is still much work to be done, the current status of women in our country is a testament to the effectiveness of these efforts. The unbiased and independent judiciary has played a crucial role in upholding the rule of law and ensuring justice for all, including women who have been victims of discrimination or violence.

In addition to the judiciary, there are many individuals and organizations that have worked tirelessly to bring about positive change for women. These include activists, community leaders, and other public-spirited individuals who have dedicated their lives to advancing women's rights and promoting gender equality.

While there is still a long way to go, the progress that has been made in recent years is a testament to the power of law and public activism to effect positive change. By continuing to work together, we can build a more equitable and just society for all.

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