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A study on protection of rights of women under specific criminal laws

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Abstract

Every day, we encounter reports of violations of women's human rights in India in newspapers, television, and technological gadgets. Human rights are the fundamental rights that every individual has as a member of the human family. The Indian constitution also guarantees equal rights for men and women. However, in the field of women's human rights in India, there is a significant gap between theory and practice. Our civilization is male-dominated, with men always regarded as superior to women. The India Women have to deal with discrimination, injustice, and dishonour. Despite the fact that women in India have greater rights than men, their living conditions are poor. This article will shed light on women's human rights in India, specifically how all of the essential rights granted to women are being infringed. In a world rife with violence, women are subject to assault, pregnancies related to sex, mismanagement of inheritances, culpability for not bearing children, domestic violence and cruelty towards spouses, infidelity, prostitution, and eve-prodding. in contrast to forms of torment that are violent in nature within and beyond the household, such as the murder of a woman by her spouse or in-laws from one perspective within the four walls of the house, as well as acts of violence committed by law enforcement, officials, or other individuals, either in the workplace or elsewhere away from the household.

Keywords: Protection, human rights, women, criminal laws, violations of women's

Introduction

The concept of human rights has gained worldwide attention over the past two decades. Since the proclamation of the Universal Declaration of Human Rights, the term "human right" has gained considerable financial prominence. It has been said that human rights are "those fundamental rights that every entity, by virtue of being an individual from the human family independent of any other thought, must have against the state or other open expert."

Human rights violations have occurred due to irresponsible actions taken by individuals, as well as malicious national and international institutions. This kind of infringement occurs on a daily basis. These violations are especially prevalent among women, the impoverished, minority groups, and other vulnerable segments of society. As they are perceived as the most fragile entity among the general populace, women become increasingly helpless in the face of such violations. Despite the fact that the majority of social orders presently prohibit segregation, women's activists and women as a collective have come to the realization that laws against separation do not eliminate the concealment of women's human rights. It has the potential to render it undetectable or even inconspicuous.

Women's human rights in India

The Indian Constitution, adopted in 1949, contains numerous provisions that incorporate the principle of gender equality and non-discrimination. The Constitution recognises human rights in the form of different fundamental rights and ensures equal rights for men and women without discrimination. In 1993, India's Parliament passed the Protection of Human Rights Act. The act established the National Human Rights Commission. In the event of a breach of human rights, unhappy women can file complaints with the National Human Rights Commission.

The status of Indian women has changed significantly as literacy levels have increased, making them far more independent and aware of their rights such as the right to equal treatment, the right to property, the right to work, and maintenance. However, the majority of women continue to be unaware of their rights, and as a result, they are subjected to harassment, exploitation, and injustice. Following the Nirbhaya case ^[1] in 2012, revisions were

¹ <http://www.timesofindia.com/topic/nirbhaya-gang-rape/ampdefault>.

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made to the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act to ensure women's protection and interests. Furthermore, a number of women-specific legislations have been created to safeguard women's fundamental human rights. Such laws impose penalties on people who violate the normal norms of human behavior and cross legal borders to assault women or their dignity. The provisions of these statutes provide women with the following legal rights.

Constitutional provisions regarding women' human rights

The prelude of the Indian Constitution conveyed the dire intention of the framers to ensure political and financial equity, liberty, correspondence, and dignity for every individual, both male and female. Undoubtedly, this exemplary presentation represents the presumption that the majority of the general populace holds with remarkable foreknowledge. The prelude serves as a cognitive tool for the creators to unlock the meaning and importance of every provision. When applied to the female division, justice, equity, and composure are imbued with favorable assurances. Lady will no longer be inferior to man on the basis of sex; she will no longer be a delicate doll devoid of personality, a laborer throughout the day devoid of unrestrained choice, or an unequal participant expelled from various goad proceedings due to her sex equity.

Women and criminal laws

In its core, the criminal code does not oppress women, regardless of whether it is the IPC, Cr. P.C., or another significant statute like the IEA of 1872. However, upon careful examination, specific protective measures can be identified in regards to the charges brought against women and their arraignment. As an illustration, in the event of an assault incident, conjugal assault is exempt from disciplinary action pursuant to section 375 of the I.P.C. Section 198 (2) of the Cr.P.C. states that an individual's spouse who engages in philandering cannot file a complaint for the offense of infidelity. However, this does not apply to the spouse of a person who commits two-time infidelity. Since recently, the IEA, 1872, has rendered unreliable the testimony of an assault victim who claimed to be a woman of straightforward integrity; such testimony could be incriminating under Section 155 of the Act.

As far as oversights are concerned, there are quite a few. There is currently no legislation that regulates the offense of working women engaging in inappropriate behavior, aggressive behavior within the household, or various forms of violence against women. It is pertinent to mention that the UN Declaration on the Elimination of Violence against Women defines "savagery against women" as any manifestation of sex-based cruelty that causes, or is likely to cause, physical, sexual, or mental harm, or such long-lasting consequences for women, including the risk of harm, pressure, or subjective suffering of freedom, if such acts occur in public or in private.

Indian Evidence Act, 1872

In cases involving woman of the hour consuming or endowment passing, harassment and vengeance, settlement-related murders, or suicides, the indictment is obligated to provide evidence to support these violations. Should he commit an error by bombing, he will subsequently forfeit the case? The legislation prior to 1983 and 1986 established presumptions regarding brutality and endowment depletion.

Notwithstanding this premise, the burden of verification on the indictment continues to be onerous. When a settlement involves death or consumption, the indictment rarely receives immediate evidence. Frequently, the outcome of a case hinges on fortuitous confirmations, such as evidence from neighbors or, if applicable, dire revelations from the individuals in question. The Preeminent Court has elevated the significance of the perishing announcements.

"At the point when the announcement is made by individual as to reason for his passing, or as to any of the conditions of the exchanges which brought about this demise, in the event that where the reason for that individual demise comes into inquiry: such explanation are applicable whether individual who made them was not, when they were made, under desire for death, and whatever might be the idea of the procedure wherein the reason for his demise causes into question [2]"

It is not imperative that the distressing statement delivered by the unfortunate victim be attempted to be articulated. If the document is executed by a deceased person's hand, the response to the question posed to her mere seconds prior to her demise is unequivocally recorded in the courtroom. The mere fact that an individual's oral affirmation was lost does not render it invalid, as stated in the case of State of M.P. vs. Manmohan Chaubey [3]

The court ruled in the case of Pariben v Province of Gujara [4] that a confession is only admissible if it is truthful, deliberate, and solid, and it can support the premise of conviction for the accused. Furthermore, the court stated that "the perishing announcement shall not be posted for partnership unless it determines that the perishing announcement suffers from any ailment that necessitated the search for corroboration."

In the event that a situation similar to Hannu Raja v. Province of M.P [5] were to arise, it would demonstrate that perishing presentation cannot be pursued without verification, as there is no legal or reasonable standard against it. In the case of Rashid Beg v. Province of M.P., the court determined that in situations where a suspicion is placed on a biting the dust assertion, it is inappropriate to pursue it without certified proof. If a scathing statement regarding illness is unable to support the presumption of guilt, the case of Ram M. v Province of U.P. [6] exists.

State of Assam v. MuhimBarkat Ali [7] involved a situation where the injured party died 45 minutes after making a proclamation, despite the specialist confirming that she was in good health. It was inconsequential that her heartbeat and pulse were absent and that the patient was in a suffocating condition. In Buresh v. Conditions of M.P. [8], the Supreme Court upheld the physician's certification that the deceased was in a fit state of health, notwithstanding the penny percent consumption incisions.

Insofar as incidental evidence was concerned, the arraignment

² Sec. 32 (1) of the Indian Evidence Act, 1872

³ (1994) 3 Crimes 776 (MP)

⁴ IBID

⁵ 1976 SCR761

⁶ 1981 SCC(Cri.)581

⁷ 1986 (4) SCC 439

⁸ AIR1987 SC860

was predominately supported by conditional proof, given the couple's frequent separation from the other members of the household. The judiciary has ruled that incidental evidence against the culpable party must be specific, conclusive, and predictable in relation to the culpability party.

In the case of *Prabhudayal v Province of Maharashtra*, the Supreme Court determined that a series of decisions have established the fundamental criteria that must be adhered to when the proof is contingent.

Affirmative legal protection against violation of human rights of women

Following an in-depth discussion of international human rights principles pertaining to women, it is critical to examine the situation under the Indian constitution. India is obligated to provide and ensure differential treatment for women due to its membership in various international conventions, covenants, and protocols concerning human resources.

The Indian Constitution was formulated with inspiration from the Universal Declaration, and its designers ensured that the Constitution embodied both the spirit and substance of the Universal Declaration. The preamble of the Constitution, which affirms the right to be an individual, includes women as well.

Human resources are fundamental to the concept of human dignity, which is protected by numerous provisions of the Indian Constitution. The fundamental ideal of life, as stated in Article 21 of the Constitution, guarantees that "no person shall be deprived of his life or personal liberty, except in accordance with the procedures established by law." To be "adequate to life" is to be in a state of optimal human equilibrium and opportunity, free from a broad spectrum of misuse. In a case involving a woman who alleged she had been assaulted, the Supreme Court rendered the following decision:

"It constitutes a transgression against fundamental human rights and also violates the most cherished fundamental right of the victim, which is the right to life as outlined in Article 21^[9]." Article 14 of the Indian Constitution ensures that all individuals within the territorial boundaries of India are subject to consistent legal standards. The strict adherence to standards is mandatory in relation to the state, and an indigenous person is unable to postpone this obligation. The phrase "correspondence under the steady gaze of law" is included in the Universal Declaration of Human Rights and virtually every written constitution that safeguards fundamental rights^[10].

Similarly, every citizen is obligated by the Constitution to abstain from engaging in activities that are derogatory to the dignity of women^[11]. Although this obligation lacks enforceability in a court of law, should the state enact legislation prohibiting any demonstration or directive that violates it, the court would uphold the law as a reasonable restriction of fundamental rights. Nevertheless, notwithstanding the established directive that prohibit the separation of women in any circle, segregation has persisted. The labor law in India is an extension of the Indian Constitution. Both the Indian Parliament and State

⁹ *Bodhisattwa Gautam Vs. Subhra Chakraborty*, (1996) 1 SCC 490-500.

¹⁰ Article 9 of Universal Declaration of Human Rights

¹¹ ARTICLE 51 (AC)

Legislatures retain their privileges with respect to the legislative process. As per section 66 of the Factories Act 1948, with the exception of extended shifts from 6AM to 7PM, women are neither required nor permitted to labor in any production line.

The privileges accorded to ladies include the right to correspond under the constant watch of the law, the right to be free from provocation and sexual orientation discrimination, the right to be protected from premature birth, the right to be shielded, and the right to financial strengthening. Currently, the right of a woman to be free from aggressive conduct at home has also gained recognition as a human right. Undoubtedly, even an ordinary lady of good character is entitled to protection; no one is permitted to breach her security at will^[12].

Administratively, it has become crucial to enact legislation that criminalizes more offenses against women in accordance with the Constitution of India, the United Nations Organization Convention on Human Rights, and the Convention for the Elimination of All Forms of Discrimination against Women (1976), in light of the public's altered perception of the role of women. No legislation has ever been enacted to reclassify their fundamental rights as laws providing protection against various forms of physical and mental aggression. Since its inception in 1860, the Indian Penal Code has not introduced any sections. Additionally, the IEA and Cr.P.C have been modified to protect her human rights. In addition to established protocols, various alternative measures have been implemented to enhance the well-being of women and elevate their social standing. The preliminary stage in pursuing this course of action was the formulation of the National Perspective Plan for Women, 1988-2000 A.D^[13]. The planned arrangement for women is an effort at a long-term strategy for Indian women, tied to national objectives set by the end of the century with respect to specific critical indicators, including health, education, and business. A notable development is the establishment of the Commission for Women in 1992, as authorized by the NCW Act of 1990. The Commission operates as an autonomous entity with the primary objective of safeguarding the rights of women, ensuring equality of opportunity, and eliminating all forms of oppression against them^[14].

However, it is within the domestic sphere that the gender gap becomes a societal reality. Despite the fact that the Universal Declaration of Human Rights and numerous programs on women require states to provide complete equality on matters such as marriage, separation, inheritance, and responsibility, the law and practice in India differ regarding these matters. The rationale for this is that Indian individual law, as practiced by Parsis, Hindus, Muslims, and Christians, differs from one another in that it pertains inconsistently to women.

Women and the protection of hr act, 1993

¹² *State of Maharashtra Vs. Madhukar Narain*, AIR 1991 SC 207.

¹³ Report of the Core group setup by the Deptt. Of Women and Child development, Ministry of Human Resource Development, government of India, 1988.

¹⁴ Dr. H.O. Agrawal, *Human Rights* (ed.) Central Law Publications, Allahabad, 2003, p. 225.

Across the centuries, women in India have been subjected to countless atrocities, betrayals, torment, and violations of human rights. The aforementioned transgressions have expanded to include theft, assault, domestic violence, child marriage, nude strutting, prostitution, and assault, as well as the restriction of trade and exchange for thought and violence within the family. Despite intermittent disruptions, consequences, and resistance, the situation has consistently been problematic and remains so to this day. In fact, not even the enactment of a vast array of legislation aimed at preventing human rights violations has been sufficient to satisfy the demand. Furthermore, it is a matter of great disgrace that in India, women are still regarded as aesthetically pleasing commodities that can be purchased and sold for an amount comparable to that of a domestic dog, a dairy animal, or an untamed ox.

In 1946, the United Nations Economic and Social Council initiated the process of establishing a reasonably minded human resources institution in the United States. In its 1947 update titled "Supervision and Enforcement of Human Rights," the Secretariat advocated for the establishment of a body of this nature within the states^[15].

In 1966, the General Assembly was tasked with evaluating the viability of the proposal to establish the NCHR in order to carry out particular responsibilities pertaining to the ratification of the NCCPR and the Economic, Social, and Cultural Rights. The objectives endorsed the Economic and Social Council's request for the HR Commission to conduct a comprehensive analysis of the investigation from all of its vantage points. In 1970, the Commission deliberated on the matter and reached a consensus that each legislature should select the subject matter for the national commission on human rights based on the traditions and institutions of its respective country^[16].

In its appearance before the Third Committee of the General Assembly, India established or strengthened a national organization dedicated to the promotion and protection of human rights, thereby demonstrating a notable preoccupation with the past. It put forth a preliminary set of objectives in which it underscored the importance of the integrity and autonomy of such national foundations. The proposed objectives also stipulated that the Secretary-General of the United Nations would provide the General Assembly with a report every two years regarding the progress of various types of national organizations and their dedication to implementing human rights instruments. The intrigue that surfaced in the international discourse suggested that it was in favor of establishing such an organization. Regardless, at that time, no organization of that nature was formed^[17]. During the mid-1990s, India recognized the necessity of establishing a commission in response to the concerns expressed by foreign governments regarding the political unrest and violence in Andhra Pradesh, Jammu and Kashmir, Punjab, and the North-East. A statute established the National Commission on Human Resources in India in September 1993, as declared by the President of India. Additionally, legislative measures were taken to establish comparative commissions at the state level. The Lok Sabha subsequently approved the Protection of Human Rights Bill on December 18, 1993.

¹⁵ Section 2(d) of the Protection of Human Rights Act, 1993.

¹⁶ Report of Commission of Human Rights of 26th Session (1970); Dec. E/4816.

¹⁷ IBID

Protection through national commission for women

National Measures

The recognition of India's commitment to human rights is evident in ancient sacred texts and folklore. Amidst the Freedom Movement, Indian pioneers foresaw and incorporated human rights into their justification for a post-autonomous India. As FR^[18], HR locates a place in the Indian Constitution.

The United Nations has issued a multitude of international instruments, including the Universal Declaration of Human Rights, Covenants of Political, Civil, Economic, Social, and Cultural Rights, in an effort to promote human rights. The human rights provisions of the Constitution of the Republic of India are delineated in the preface, sections FR and DPSP. By enacting the Human Rights Protection Act of 1993 and establishing the National Human Rights Commission (NHRC), the Indian government has made a definitive statement regarding its duty to uphold and implement human rights.

National human rights commission

Similarly, the NHRC endeavored to ensure that women's human rights were respected by the entire community, as it has a substantial responsibility to safeguard and promote these rights. Aiming to achieve this objective, the National Human Rights Commission of India (NHRC) was established on October 1, 1993, with a mandate that was subsequently superseded by the Protection of Human Rights Act of 1993, which specifies the NHRC's responsibilities in Section 12. This is a reaction, albeit partially, to the evolving social substance and developing patterns in the conception of immorality and viciousness. In addition, the Act is a product of the 1993 Vienna Declaration, which urged the establishment of a national action plan to promote and ensure human rights by means of numerous requirements and suitable implementation mechanisms^[19].

The commission has devoted particular attention to various exercises, including those that are suo-proverbial or objection-based and involve instances of brutality or custodial deaths and assaults, escape from care, barbarous, barbaric, or degrading discipline, and torture.¹²⁰ In light of this violation, the Commission has determined that such occurrences must be promptly and severely halted. As a result, it has issued directives to all SG and UT officials, requiring reports from the District Magistrates and Superintendent of Police within twenty-four hours of any such activities. Furthermore, it has been observed by the Commission that failure to obtain consent will be regarded as an attempt to suppress disclosure of such an incident. Furthermore, it has demanded immediate opposition efforts against law enforcement personnel who are engaging in custodial violence. Moreover, in addition to conducting sittings to examine alleged custodial wrongdoings, it has also intervened in court proceedings.

In accordance with the directives issued by the Supreme

¹⁸ Subramania, Dr. S., Human Rights International Challenges, Ch. 23, p- 229.

¹⁹ National Human Rights Institutions - A Handbook on the establishment and strengthening of National Institution for the Promotion and Protection of Human Rights, Centre for Human Rights, Geneva, 1995, p. 27.

Court in exercise of the jurisdiction under Article 32 of the Constitution, the Commission shall execute the functions specified in Article 12 of the Protection of Human Rights Act of 1993. According to the Supreme Court's statement in *Paramjit Kaur v. Territory of Punjab* ^[20], "the Commission shall operate in compliance with the directives issued by this Court rather than in reliance on the Act under which it is established." When it comes to selecting the issues that are referenced by this Court, the National Human Rights Commission is not constrained in any way. The scope of authority exercised by the National Human Rights Commission in these matters is therefore unique and not protected by law; it therefore constitutes an act sui generis ^[21]"

National Commission for Women

In its 25th statement, the United Nations Commission on the Status of Women largely advocated for the establishment of a national commission or an equivalent organization charged with assessing, recommending, and coordinating measures to ensure gender equality and communication among individuals, as well as the complete integration of women into all spheres of national life.

In accordance with this objective and the requests of a few women's associations. The Government of India (GoI) established a committee in 1971 called the Committee on the Position of Women to evaluate the advancements in women's status resulting from the adoption of sacred, legitimate, and authoritative beliefs since independence. The committee also examined the impact of the complex process of social change on various segments of women and proposed measures to enable women to participate fully and appropriately in the nation's construction. In order to ensure the implementation of various measures, the board proposed the establishment of a commission governed by internal regulations. It is undoubtedly remarkable to consider that the administration spent sixteen years producing results in response to the advisory group's proposal to establish an NCW ^[22].

Crimes (Women) Cell

October 1986 marked the debut of the Crimes (Women) Cell. It replaced Anti-share Cell, which was established in 1983 in an attempt to provide assistance to the growing population of battered, abandoned, and terrified spouses. Surprisingly, there were no specific regulations imposed on this extraordinary cell. It was neither endowed with new authority nor granted any discernible autonomy. Nonetheless, a complete unit was assembled for the Cell; however, none of the candidates submitted had uncommon credentials for the task nor had they received any specialized training for it. Mrs. Mehra, the Deputy Commissioner of Police (DCP), elaborated, "We have made every effort to maintain morally upright and law-abiding officers." In 1991, a specialized advising administration comprised of trained clinicians was

established; however, the instructors' performance was unimpressive due to the high volume of cases and time constraints ^[23].

Although there has been an increase in the number of complaints lodged with the Cell, the number of disputes, emotions, and cases that it has documented in the courts has decreased.

Legal Aid Cell

Legitimate aid cells represent an additional positive development. It is believed that these cells, if operated with integrity and dedication, have the potential to accomplish much good by educating women about their rights and equipping them with the necessary strength to advocate for them. The Delhi Legal Aid Cell maintains branches in the Supreme Court, Patiala House, and Tis Hazari Courts. They provide legal representation for women seeking legal counsel to fight their cases and offer legal advice to individuals seeking assistance legally or through public interest litigation ^[24].

The National Committee for the Implementation of Legal Aid described how women have been subjected to abuse, exploitation, and adversity for an extended period of time, to the extent that they are unable to support themselves. It has suggested the initiation of initiatives to train female social workers in the application of the law to all matters pertaining to women. Additionally, it has devised a model program in which all women, irrespective of their socioeconomic standing, are ineligible for any legal assistance. This would provide financial assistance to women who are unable to advocate for their rights.

Domestic Violence Act 2005

Undoubtedly, aggressive conduct within one's household constitutes a human rights concern and a legitimate impediment to progress. This is acknowledged by the Vienna Accord of 1994, the Beijing Declaration, and the Platform For Action (1995). In its 1989 General Recommendation No. XII, hosts of the UN Committee on Convention on the Elimination of All Forms of Discrimination Against Women, stated that State assemblies ought to take measures to protect women from any form of violence, especially that which occurs within the home. In response to this proposition, the Parliament of India ratified the Protection of Women from Domestic Violence Act, 2005 ^[25]. The purpose of this legislation is to "ensure increasingly robust protection for the rights of women who are victims of any form of brutality occurring within the family, as guaranteed by the Constitution, and for matters associated therewith."

This Act's Article 3 defines the expression "aggressive behavior at home." The State Government is tasked with selecting the Protection Officer for each district under this Act. The Protection Officer may assist the Magistrate in carrying out his duties as stipulated in the Act, provide a residential episode report to the Magistrate, ensure that the

²⁰ AIR 1999 SC p. 340.

²¹ *Ibid.*, pp. 343-44.

²² Mamta Rao, *Offence Against Women in AftabAlam* (ed.) *Human Rights in India: Issue and Challenges*, Raj Publications, Delhi, p. 90.

²³ Laxmi Devi, *Crime, Atrocities and Violence Against Women and Related Laws and Justice*, Institute for Sustainable Development Lucknow (ed.) and Anmol Publications Pvt. Ltd. N.D., 1998, p.98,

²⁴ *Ibid*

²⁵ Domestic violence Act 43 of 2005.

troubled woman receives free legal counsel, offer a secure sanctuary home if she so requests, arrange for therapeutic analysis if she has suffered actual injuries, and carry out any other responsibilities that may be assigned by the Central Government. Additionally, this Act designates the Magistrate to oversee the direction of the assemblies.

The CG/SG shall make every effort to ensure that, in addition to broad publicity via print and electronic media, periodic awareness-raising and education programs are conducted regarding the matters addressed by this Act. This will facilitate effective coordination among the ministries and departments responsible for law enforcement, domestic affairs, peacekeeping, human resources, and security in the services they provide regarding corrective brutality. Additionally, abused women may receive wealth-related relief to assist with unanticipated expenses or calamity.

Notwithstanding these barriers, women in our country continue to endure distress due to ignorance of their rights, inadequate education, and oppressive customs and prejudices. The fight against domestic violence against women must be pursued by the NCW/SCW, various women's organizations, and segments of the general public via crusades and other initiatives that combine legitimate assurances with social assistance. Additionally, it is recommended that the legal executive be obligated to provide compensation to women who have been subjected to severe misconduct and maltreatment, as well as for violations of the human rights of women in India.

It is evident that Article 14, which addresses the right to equal protection and consistency of laws, establishes that all individuals are equal in the eyes of the law, irrespective of their social standing, ethnic background, religious affiliation, or gender. Article 15.3 ensures that the protections for the welfare of women are equivalent to those for males. Life in this world must not be threatened by any form of segregation, enslavement, concealment, bias, or reprehensible behavior. Any form of segregation must be eradicated by the government, its agencies, and most importantly, by the general populace. Women should not be deprived of any rights necessary for their protection and welfare and to ensure their human rights. The nobility engenders confidence in an individual's character, which ultimately empowers that person to discern between right and wrong and should not be questioned. A dynamic notion must prevail not only in the minds of men but also concerning the protection of their human rights. Laws pertaining to women must be implemented in a sensible and suitable manner. We will then be able to construct an equivalent society irrespective of predisposition towards sexual orientation. In a dynamic society, the protection of women's human rights laws must be concealed behind the feelings of every individual, with regard to the promotion of equity on all fronts concerning the advancement of women.

Conclusion

Despite the fact that numerous laws have been passed, decisions have been made, and official initiatives have been declared with the intention of bettering the position of women, effective implementation is what will determine the success or failure of women's legislation. We "guarantee to keep" and "have a long way to go" in order to recover from our encounter with sex predetermination. A globally documented impression may be appropriate at this juncture. Permit us to commence with India, which, during the

Autonomy Movement, considered women to be equal and free participants in both public and private spheres^[26]. A few significant administrative provisions and sacred texts lead us to the protection of neglected women and destitute children as outlined in Section 125 of the Cr.P.C. Legislation providing women with equal compensation is an additional statutory contribution. The pursuit of maternity benefits and protection against unauthorized trafficking serves to promote the welfare of women. Implementing strict penalties and prohibitions on endowment disapproval are further strategies to safeguard the dignity of women. Without a doubt, Article 51-AN of the Constitution denounces any actions that stifle the dignity of women.

The practice of strengthening does not adhere to dark letter law. Offer women the authority to enact laws. Compelling them to enforce the law by entrusting them with State Power, granting local experts' positions of equivalent organization and basic leadership in panchayats, assemblies, government offices, and jails, and allowing them to wear robes while participating in their respective callings, occupations, and free choice of professions. If woman power is to awaken and sex equity becomes a dynamic reality, then establishments, antiquated social norms, and man's desire for dominance over women must be eliminated.

Women's human rights under the constitutional framework

The Indian Constitution is the supreme law of India; all other laws derive power from its provisions. The Indian constitution guarantees "justice" (social, economic, and political), "liberty" (thinking, speech, religion, faith, and worship), "equality" (status and opportunity), and "dignity" (individual and national). The preamble to the Indian constitution assures the basic human rights of both men and women. The Indian constitution is well-known for its emphasis on equality between genders. However, women have received specific protection under the constitution's provisions regarding their human rights.

1. Right to Equality under Article 14: Article 1 of the Universal Declaration of Human Rights states that all individuals are born free and equal in dignity and rights, while Article 7 guarantees equality before the law. Under India's constitutional framework, women have the same legal position as males because the state cannot refuse any person equality before the law or equal protection of laws within India's territory^[27].
2. Right against Discrimination: Article 2 of the Universal Declaration of Human Rights guarantees equality and freedom from discrimination. Article 7 also discusses equal protection from discrimination. ARTICLE 15(1) Indian people cannot be discriminated against on the basis of their gender by any government body, because the state cannot discriminate against any citizen solely on the grounds of religion, race, caste, sex, or place of birth, or any combination of these^[28] Furthermore, no citizen shall be subjected to any disability, liability, restriction, or condition solely on the basis of religion, race, caste,

²⁶ Krishna Iyer, V.R, (Former Judge Supreme Court), 'Human Rights of Women', "Women & Development", pp. 28-59

²⁷ Indian Constitution Article 14.

²⁸ Indian Constitution Article 15(1).

sex, place of birth, or any of them, with regard to: (a) assessments to shops, public restrictions, hotels, and places of public entertainment; or (b) the use of wells, tanks, bathing Ghats, roads, and places of public resort maintained wholly or partly with state funds or dedicated to the general public^[29] However, the state may create specific accommodations for women under clause (3) of the article as an exception to the rules of non-discrimination.

3. Right to Equal Opportunity in Public Employment: ARTICLE 16 states that all citizens, regardless of religion, race, caste, sex, descent, place of birth, or residence, are entitled to equal opportunities for employment or appointment to state offices^[30] However, the government has the ability to set reservation regulations^[31].

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²⁹ Indian Constitution Article 15(2).

³⁰ Indian Constitution Article 16.

³¹ Indian Constitution Article 16 cl. 3 & 4.