

**WOMEN'S RIGHTS WITH REFERENCE TO INTERNATIONAL
APPROACH**- Shivam Tiwary¹**ABSTRACT**

Women, the word itself speaks a lot for our mothers, sisters, daughters. Our mothers are the real soldiers, doctors, gurus, mentors, best friends and our life too. Even in the phase of COVID-19, almost all the businessmen were at their homes, on holidays but our mothers were at their household chores then also. I remember today also, that whenever, I am in some trouble or something, my mother used to take each and every solution of my problem. It is the struggle of the women which is beyond any other struggle. Efficiently ensuring women's human rights requires a wide-ranging understanding of the fundamental societal structures and power relations that define and stimulate the ability of the women to enjoy human rights. "These power structures have an impact on all aspects of life, from law and politics, to economic and social policy, family and community life, education, training, skill development and attainment of employment opportunities". In the present scenario, with the impact of modernization, digitalization and use of innovative methods, the rights of women are given importance. Girls from all categories and backgrounds are being enrolled in educational institutions. Women are giving their 100% in all the emerging professions such as doctors, lawyers, judges, teachers, engineers. Not only this, women have so much capabilities in themselves that if they dedicate their sometime in their studies, no power can stop them from grabbing the post of IAS, and IPS officers. The girls, who belong to minority communities are enrolled in educational institutions, so that that they learn to exercise their rights for the well-being of their parents and the community. Education enables someone to differentiate between appropriate and inappropriate,

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learn to create wise decisions, work towards the welfare of the community and exercise rights in an efficient manner.

Keywords: “Women, Empowerment, Rights, Violations, Education, Development”

INTRODUCTION

"To all the little girls who are watching this, never doubt that you are valuable and powerful, and deserving of every chance and opportunity in the world to pursue and achieve your own dreams."²

Women, the word itself speaks a lot for our mothers, sisters, daughters. Our mothers are the real soldiers, doctors, gurus, mentors, best friends and our life too. Even in the phase of COVID-19, almost all the businessmen were at their homes, on holidays but our mothers were at their household chores then also. I remember today also, that whenever, I am in some trouble or something, my mother used to take each and every solution of my problem. It is the struggle of the women which is beyond any other struggle. It is the woman only who bears the pain of carrying us in her womb for 9 months. It is believed that the pain of keeping a child in womb is the second most unbearable pain after the pain caused while burning alive. The struggle for women's rights extends beyond the right to own property or vote.

It is the woman who individually fights for their rights, by their knowledge, intellect and accomplishments. “While not by any means an exhaustive or exclusive definition of the movement for women's rights, it encompasses the victories secured by two centuries of activism:

- the recognition of women as legal and political entities separates of their fathers or husbands;
- the rights to own property in their own name, to secure an education, to vote and hold office, to enter the workforce, and to plan their families and control their reproductive lives.”

Let's discuss the role of women from the **religious point of view**: In our India, there are many ShreemadBhagwatacharyas, who preach the Holy Shreemad Bhagwad. One of the renowned

² “HILARY CLINTON”

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Shreemad Bhagwatacharyaa is Devi Chitralkha ji, who at a very young age started preaching Shreemad Bhagwat. Along with that, she has started an animal hospital, named as “GAU SEVA DHAM HOSPITAL”, on the Hodal (Haryana) national highway. Deviji solely started this initiative and at present time nearly lakhs of devotees daily give their donations, from which all the injured cows, other animals and birds are treated and taken care of.

More than just the procurement of a bundle of rights, the women's movement also pushed for a rethinking of gender roles. Feminists asserted that housework was not intrinsically womanly, rather social norms had constructed what was considered "woman's work." “Furthermore, many claimed that society did not value "women's work" as much as it did men. Traditional housekeeping and childrearing are largely accomplished in the confines of the house. The work is unpaid, and women are dependent on a breadwinner, typically their husband. This social structure is especially difficult for widowed or divorced women”. Advocating "partnership marriages" and cooperative parenting duties changed the family structure for men as much as for women.

“Women have a very crucial role to play in the Indian society. They are considered as the primary sources that “raise and nurture” the family. In spite of the fact that the women’s contribution to the progress of the country is up to that of their male counterpart, still they experience variety of limitations that restrict them from realizing their potential for growth”. The term, “women empowerment” itself explains the capacity of the ladies in taking all the important decisions on an independent basis that are associated with her, throughout her generation which will cause her success all the “phases of life”.

CONCEPT OF FUNDAMENTAL RIGHTS UNDER INDIAN CONSTITUTION

- ❖ As we all know there are fundamental rights embedded in our Indian Constitution which make all the women aware of their rights if those are being violated. Article 14 of the Indian constitution clearly states that all the people including women are equal in the eyes of law. Article 14 of the Constitution of India –“All individuals, including women are equal within the eyes of the law and that they are entitled to enjoy equal protection of laws within the territorial jurisdiction of India”. This line clearly explains us that each person no matter gender, should be treated equally in similar circumstances. The State

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shall not make any discrimination between one person and another, and also the law should be administered equally.

- ❖ Moving on further, let's talk about Article 15 of the Constitution of India, which deals with prohibition against discrimination –“It prohibits the state to form any varieties of discrimination against any citizen including women on grounds of race, caste, gender, ethnicity, religion, place of birth and socio-economic background”. This article tells us that each one citizen is entitled to enjoy equal rights regarding access to shops, hotels, restaurants, banks, infrastructure, public places etc. But the state has the right to create any special provisions for ladies and kids and also for, scheduled castes, scheduled tribes and other backward classes.
- ❖ Let's discuss Article 16 of the Constitution of India –Article 16 states, “All citizens including, women will enjoy equality of opportunity in matters of public employment, no matter their gender, races, castes, ethnicity, religions and socio-economic backgrounds”. This article explains that all citizens of India, including women, irrespective of any caste and religion, must have the right to be employed. There are certain exceptions to this section, i.e. Parliament may prescribe by law that residence within the state is required for a specific employment. “The State is empowered to order certain posts for backward classes and also for the scheduled castes and scheduled tribes and appointment in reference to a non-secular organisation is also reserved for persons belonging to it religion”.
- ❖ Moving on further, let's discuss Article 17. As per Article 17 of the Constitution of India - The System of untouchability is abolished, and Untouchability (offence) Act of 1955 was enacted by the parliament. The enforcement of any disability arising out of untouchability shall be a punishable offence in accordance with the law. “This Act was amended by Untouchability (offence) Amendment Act 1976, to form the law more stringent to get rid of untouchability from the society”

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- ❖ Article 19 of the Constitution of India tells us about the freedom of speech and expression, under which all the citizens, including women have their fundamental right to “freedom of speech and expression, to assemble peacefully and without arms, to make unions or associations, to move freely throughout the country, to reside or cool down in any a part of the country and to practise any profession or to hold on any lawful trade or business in accordance to one’s own aspirations”.
- ❖ Let us understand what Article 21 tells us? Article 21 of the Constitution of India states that no person shall be deprived from his or her personal life and liberty, except as per the procedure established by law. This right to life, includes right to measure with dignity, right to privacy etc. force against women is additionally derogatory to Article 21 of the Indian Constitution, because it weakens the self-respect and dignity of ladies, who are victims.
Clause A of Article 21 states that the State shall provide free and compulsory education to any or all children, who are between the ages from 6 to 14 years during a manner, because the state may determine by law, which means girls also have right to get educated, irrespective of any religion or caste.
- ❖ There is another fundamental right which is provided to lady accused. Article 20 tells us that no person including women shall be convicted of any offence apart from violation of a law and someone shall not be prosecuted and punished for the same offence again.
- ❖ Articles 23 and 24 advocates us about the concept of immoral trafficking and child labour for girls under the age of 14 years. Article 23 prohibits the use of immoral trafficking in folks and compelled labour. In pursuance of this, “Parliament has passed the Suppression of Immoral Trafficking in women and Girls Act, 1956, which is now renamed because the immoral Trafficking (Prevention) Act 1956, for punishing the actions, which end in trafficking in individuals”. Article 24 bans child labour, especially girl child below the age of 14 years in factories, mines, hazardous activities. If any child, boy or girl is found working as a child labour in any of the shops, factories, or mines, the master of that particular shop or factory is punished as per the provisions of law.

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- ❖ Articles 25 to 28 of the Constitution³, tells us that each and every citizen, including women, have the right to propagate every religion and no one can compel them to avoid the practice of other religion.

BASIC PROVISIONS OF THE INDIAN PENAL CODE (IPC, 1860), IN RESPECT OF WOMEN'S SAFETY

As discussed above, women have their fundamental rights, for which they solely can appear in front of the court. Now, let's discuss about the basic provisions laid down in the Indian Penal Code, 1860, which tells us about the punishments given to the law breakers and the accused of the crimes they commit.

We all often listen about the crimes against women, such as rapes, sexual harassment, theft, stalking women, acid attacks, kidnapping, taking their wrong and private pictures and many more. The Indian Penal Code tells us about the concept and the punishments decided by the law makers for these cruel offenders. Let's discuss it one by one:

- **RAPE:** Section 375 explains us about the concept of Rape and the constituents, which are required to commit Rape. Proceeding further, we move on Section 376, which tells us about the punishment of Rape, which is the minimum imprisonment (jail) up to 10 years, or it may extend till imprisonment of life and shall be liable to fine as well. Section 376AB, tells us that if any girl is raped under 12 years of age, the accused will be imprisoned for minimum 20 years, or it may extend it till life and shall be liable to pay fine also. Section 376D tells us about the punishment of Gang Rape, which is imprisonment of minimum 20 years or extend up to life and fine also imposed. If the Gang Rape occurs to girl under 16 years or under 12 years, the imprisonment will be for life and fine to be imposed.
- **ACID ATTACKS:** Section 326A tells us that if a person voluntarily cause any grievous hurt to any man or woman, by throwing acid, shall be punished for

³ INDIA CONST., art. 25,26,27,28.

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imprisonment not less than 10 years, which may extend till life, along with the fine paid to the victim.

- **VOYEURISM:** This is a new term for all the readers. Basically, the word Voyeurism means when a person watches, or captures the image of a woman, doing any private act, where she knows, that she can't be captured. Section 354C, tells us the person committing Voyeurism, shall be imprisoned from 1 year to 3 years (depending upon the case).

There are few topics more which are left to be discussed, but as per today's scenario, and the increasing number of crimes, these acts should be on the tips of each and every woman and girl or this country. Our judiciary, is no doubt, taking some time in delivering the judgment, but if women and girls of India, are aware of their rights, the offenders will think twice or thrice before committing the crime.

OTHER ACTS FOR THE PROTECTION OF WOMEN AT WORKPLACE

“Women in India represent over 32 % of the economically active population of the second most populated country within the world. The Indian constitution guarantees equality for girls before the law⁴, and institutional support for ladies seems advanced, with many laws to guard the correct of girls at work”. The labour laws in India, are often industry specific, region specific or centralized.

The Acts are stated as follows:

- “*Equal Remuneration Act, 1976*”–This law aims with the principle of equality, as enshrined in Article 14 of our Indian Constitution, which tells us that, each and every working woman must get equal remuneration. “This law aims to avoid gender discrimination of wages, hiring, promotion, or training, and might be circumvented through wage reclassification of skilled and unskilled workers. No matter the kind or skill level of employment, women are placed within the unskilled, lower paid wage category”. The Act includes, equal pay to men and girl workers for same or similar work performed. “There shall not be any

⁴INDIA CONST., art. 14.

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discrimination in recruitment and repair conditions, except where employment of ladies is restricted by the law”.

- “*National Commission for girls Act, 1990 (Act of Parliament)*”–This act aims to review existing statutory protection of ladies. This is done by preparing periodic reports to the Central Government on matters referring to protections for women's rights, scrutinizing grievances regarding the violation of those rights, and financially assisting within the litigation of issues affecting women.
- “*The Protection against harassment of girls at the Workplace Bill, 2010*”–This bill also aims at creating awareness regarding molestation done against women. Under this bill, certain committees are formed in the particular organization and the grievances of women are noted and are handed over to the Civil Courts holding that area’s jurisdiction. Additionally, penalties would be created for employers that include fines.
- “*Maternity Benefits Act, 1961*”– This act permits a lady to 12 weeks of leave with full pay related to the birth of a toddler and there's no adoption benefit. It is unlawful for an employer to discharge or suspend a lady during or thanks to maternity leave. In case of a girl worker, she must be permitted to procure two nursing breaks, additionally to normal breaks, until her child is 15 months old.
- “*Prohibition of kid Marriage Act, 2006*”- The Prohibition of kid Marriage Act, 2006, which is that the national law against child marriage, doesn't allow the question of consent just in case of minors and treats child marriage as a punishable offence. However, it creates misperception by declaring some marriages invalid and a few others voidable. “Marriage of a minor formalized by use of force, fraud, deception, enticement, selling and buying or trafficking a void marriage, while all other child marriages are voidable at the choice of the parties to the wedding and hence valid marriages, until they're invalidated by the court”.

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HUMAN RIGHTS FROM INTERNATIONAL APPROACH

We all have understood women rights from the Indian perspective, now let us move further with the concept of international approach. If we talk about human rights, in a layman language, human rights are those rights, which are made for all the citizens from international perspective as well. “The concept of human rights acknowledges that every individual is entitled to exercise his or her rights with some types of discrimination regarding areas such as caste, creed, race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth and background”. Human rights are lawfully guaranteed by the national constitution⁵ and laws, regional and international treaties and documents. They safeguard the individuals and groups against activities that impede within the course of their fundamental freedom and human dignity (Women’s health and human rights, 2007).

Human rights provide a beneficial and lawful framework, vocabulary and type of directions for public health actions, while improving the accountability of governments. Human rights and public health have the common objective of encouraging and safeguarding the welfare of all individuals. Human rights must be promoted and guarded to report the basic elements of health, including the empowerment of people and communities to reply to health challenges and ensuring justifiable, and operative delivery of services⁶.

HUMAN RIGHTS TREATIES KNOWN TO EVERYONE

Approval of the Universal Declaration of Human Rights in 1948 was the primary step towards liberal and advanced codification of international human rights. “The principles of the Universal Declaration were translated into treaties, thus States that ratified them are legally bound by the terms and conditions of the treaties”.

8 international right treaties are adopted up to 2007:

⁵ “United Nations Charter”

⁶ “Women’s health and human rights, 2007”

1. “International Convention on the Elimination of All kinds of racism (1965)”
2. “International Covenant on Economic, Social and Cultural Rights (1966)”
3. “International Covenant on Civil and Political Rights (1966)”
4. “International Convention on the Elimination of All kinds of Discrimination against Women (1979)”
5. “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)”
6. “Convention on the Rights of the kid (1989)”
7. “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2002)”
8. “Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (2006)”

“Every World Health Organization (WHO) Member State has sanctioned, formally consented to be legally bound by a minimum of one human rights treaty, all of which have an immediate or an indirect impact on the promotion and safeguarding of the correct to health and health-related rights”.

CHALLENGES FACED WHILE EXERCISING THESE RIGHTS

There were some challenges which were faced while exercising these rights, which are as follows:

- ✓ Poverty – We all know the concept of poverty. It is a situation when an individual experiences scarcity of resources, due to which he is unable to satisfy his needs and requirements. As per the reports, “in 2005, it's been estimated that 76% of the population lived under the personal income of USD two per day, which 42% had to create ends meet with an income below USD 1.25 per day”. The poverty gap remains comparatively large. “In 2006, India ranked 132nd on the human development index (HDI), six places below its GDP per capita rank.”

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- ✓ Illiteracy – When women are discouraged to check and therefore the acquisition of education isn't given recognition with regards to ladies and girls, then it's a serious barrier within the course of exercising rights. Through illiteracy, one usually remains unaware regarding a way to sustain their living conditions in an efficient way. “They're unable to come up with awareness regarding important areas, they continue to be uninformative and skill problems in closing all important activities of life”. Unawareness and lack of data and data doesn't enable individuals to acknowledge their rights and that they remain secluded. this is often particularly true with reference to rural areas. “When the individuals migrate to urban areas in hunt for a stronger livelihood, then usually they're able to recognize their rights”. We, the youths, teach and help our mothers to learn each and everything, due to which now they can easily understand the technical language as well as the other things.

- ✓ Unemployment – Every individual’s desire is to get employed or some means to come up with income. The individuals, who are poverty stricken and belong to deprived and marginalized communities, usually feel that unemployment and lack of resources are the most important barriers within the course of exercising rights. On the other hand, educated and literate ones, after getting handsome experience of the jobs, they become depressed and frustrated. “A depressed and a frustrated person won't show pride in exercising his rights”. After they don't have a source of income, they're powerless to sustain their living conditions. Aspects like, housing, health, diet and nutrition, education so forth remain unfulfilled. “A woman, who is well educated or is literate, when she doesn't have employment opportunities available, she is anxious and sometimes doesn't acknowledge rights”.

- ✓ Crime and Violence – In India, women are subjected to varied types of violent and criminal acts within the household, workplace, educational institutions, and in other public places. In India, this is a very debatable and concerned issue but we ourselves, don't know how to respect our mothers, sisters and wives. “These include verbal abuse, physical abuse, rapes, molestation, acid attacks and other kinds of mistreatments. Experiencing heinous and intimidating criminal and violent acts, hampers the

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psychological approach of the person”. A few days ago, I was watching a web series “DELHI CRIMES”, in which a boy was brutally raped, and her intestines were taken out by the rapists. After that the girl along with her boyfriend were thrown out of a moving bus and their clothes were torn, and their essentials were stolen. The case was handed over by the DCP of that police station who was a woman. That woman didn’t take a single day leave and finally caught all the rapists from even Naxalite areas.

Criminal and violent acts against women are very heinous and will lead to serious injuries. “These are, permanent privation within the sight of the attention, permanent privation of the hearing of either ear, privation of any member or joint, destruction or impairing of the powers of any member or joint, permanent disfiguration of the pinnacle or face, fracture or dislocation of the bone, and any kind of hurt, which endangers life or which causes the sufferer to be during the space of twenty days in an exceedingly severe bodily pain or unable to hold out important life functions and activities”.

“When a lady is brutally injured and undergoes permanent health problems because it has been stated above, then she also experiences problems in exercising rights”.

Conclusion

The basic purpose for writing this research paper is to throw some light on the women rights, which each and every woman should know. “The primary reason is that the rights of girls are undermined which is due to the existence of the patriarchal society”. In the male dominant society, preference was given to the male children, there have been practices of “female foeticide and feminine infanticide”. Females were considered as liabilities, which might cause expenditure, whereas males were regarded to be the assets, which might generate wealth for his or her families. “The choice-making and other powers and authorities were vested within the hands of males. The responsibilities of the females were limited to performing of the household chores, child development and looking out after the members of the family”.

In the present scenario, with the impact of modernization, digitalization and use of innovative methods, the rights of women are given importance. Girls from all categories and backgrounds are being enrolled in educational institutions. Women are giving their 100% in all the emerging

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professions such as doctors, lawyers, judges, teachers, engineers. Not only this, women have so much capabilities in themselves that if they dedicate their sometime in their studies, no power can stop them from grabbing the post of IAS, and IPS officers. “The girls, who belong to minority communities are enrolled in educational institutions, so that that they learn to exercise their rights for the well-being of their parents and the community”. Education enables someone to differentiate between appropriate and inappropriate, learn to create wise decisions, work towards the welfare of the community and exercise rights in an efficient manner.

“A REALLY STRONG WOMAN ACCEPTS THE WAR SHE WENT THROUGH AND IS ENNOBLED THROUGH HER SCARS”⁷, this quote motivates us a lot towards the powerful ladies of our country. We all worship the women as the incarnations of Goddess Durga, Saraswati, and Parvati. But why does the culprits don't think it before doing heinous crimes to these innocent women.

JUST THINK OVER IT!!!



⁷ “CARLY SIMON (A MUSICAL ARTIST)”

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