

Women Are Facing Many Challenges For Rights In The Constitution Of India

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Abstract

Human rights can be defined as the minimum equal and inalienable rights compulsorily obtainable by every human for being a member of global human community regardless of gender, ethnicity, language, race, religion, nationality or any other ground. Dishonor, injustice, and gender-based discrimination affect women everywhere. Secondary data gathered from various books, newspaper articles, and reports serve as the basis for this assignment. While India is revered as a land of goddesses, it is also home to acts of harassment, sexual abuse, and other crimes against women. India's government provides women with a set of rights that are essential to their protection. This paper examines the significance of women's self-sufficient rights to development and protection. Equal pay for equal work, the right to dignity and decency, the right not to be harassed at work, the right not to be a victim of domestic violence, the right to free legal help, the right not to be arrested at night, the right to file virtual complaints, the right not to be represented in an indecent manner, the right not to be stalked, and so on are among women's rights.

Keywords: Women, Discrimination, Harassment, Crimes, Human Rights, Violation.

Introduction

The empowerment movement has grown worldwide in the 20th century. The widespread Announcement of Common liberties reaffirming confidence in the principal common freedoms, in the poise and worth of the human people, and in the equivalent privileges of people, considered the qualification of all esteemed opportunities to all individuals with practically no differentiation of any sort, including segregation in view of sex. The bourgeoisie democratic revolutions of the 17th and 18th centuries excluded women from their concept of equality, which was the primary reason why women emerged as a distinct interest group in the 19th century. Gender played a role in these differences. Inequalities that affect women in India include gender-

specific abortions, abuse by spouses, and eve teasing. In India, the majority of women are unaware of their rights, and sometimes their legal rights are not protected as they should be. Women's rights are made much clearer through empowerment programs. Despite the fact that women's contributions to the country's development are comparable to those of men, they face a number of obstacles that prevent them from realizing their full potential. It was against this foundation that the government's all around the world wanted to focus on the interest of ladies and their support at each phase of the improvement interaction. In the Millennium Development Goal, women emerged as a major concern group. The eight Millennium Development Goals, established by the United Nations in 2000, will serve as a benchmark for measuring progress toward eliminating global poverty. According to the United Nations, "Gender equality and Women empowerment" must be achieved by the year 2015 as one of the Millennium Development Goals. India, on the other hand, is far from achieving these objectives. In point of fact, it is common for women in India to be denied their fundamental right to dignity and to live alone, raising the issue of gender equality. The subject of this paper is gender equality, which is fundamentally patriarchal. The article tries to address some of the issues that women in India face, such as the dowry, female genital mutilation, inheritance denial, and girl trafficking, among other issues. The paper aims to develop strategies for empowering women who are just as human as men.

Discrimination Against Women

In the early 19th century, female applicants and felons were typically excluded from law school. "The danger of unaccompanied intellectual intercourse in libraries, and the diversion of male attention in the class rooms" are two of the many reasons given for women's rejection. In many states, women were still prohibited from practicing law until the late 19th century. While attempting to justify his decisions to deny female applicants to the Wisconsin bar, one judge pontificated, "The peculiar qualities of womanhood, its gentle graces, its quick sensibility, its tender susceptibility" were certainly not qualifications for "forensic strife."

Female attorneys were openly discriminated against as late as the middle of the twentieth century. As was previously mentioned, when Supreme Court justice Sandra O'Connor graduated near the top of her Stanford Law School class, she only received a job offer for a legal secretary position. Only three female partners could be found in the ranks of major Wall Street law firms in 1965. Minorities have also been denied equality in the legal system for a long time. In the

National Directory of Legal Employers for 1997–1998, only 1% of the 42,000 partners in law firms were African Americans, and less than 3% of all minorities were represented. According to a 1999 survey that was carried out by the American Bar Association Journal and the National Bar Association Magazine, 75% of the black lawyers who took part in the survey were of the opinion that, when it comes to advancing black lawyers to partnerships, law firms engage in tokenism rather than genuine diversity and equality. Sixty-seven percent of black lawyers believed that minority women lawyers were treated unfairly compared to white women lawyers. Despite this, an ever-increasing number of women, both black and white, have entered this hostile environment. Women made up 23% of law school students in the United States in 1975; The percentage had increased to 46% in 1992, to 44% in 1996, and to 46% in 1999. In 2001, there were more women than men in the class that started. Sexist discrimination continues to affect female doctors, lawyers, university professors, and accountants, as well as women in all professions, including astronomy. Women have been awarded at least 10% of all doctoral degrees in astronomy for more than a century, and they currently hold 25% of these degrees. Researchers presented the findings of a survey regarding the status of women in the field at a meeting of the American Astronomical Society in the early 2000s. Women in the field are still uncommon. Women make up only 5% of the country's astronomy professors. More male than female graduate students from elite universities are appointed as postdoctoral researchers at the institutions from which they earned their degrees. The astronomy field is male-dominated, with no room for women.

Gender Inequality

Gender inequality is when men and women are not represented equally in important aspects of social life. The majority of academics agree that gender inequality is a multidimensional concept comprised of several spheres, despite the fact that there is no consensus regarding the key dimensions: political, legal, educational, economic, health, and family systems. For present purposes, orientation imbalance can be considered as a framework that legitimizes and propagates the mastery of ladies by men in every aspect of private and public life. Orientation imbalance has been a worry on the planet and distinctions in sexual orientation have a few repercussion in connection among people. The distinctions between men and women are commonly referred to as gender. It is essential to recognize that gender is distinct from sex, even though the terms "gender" and "sex" are frequently used interchangeably in social contexts to

refer to sexual differences. Sex refers to the physical and biological characteristics that set men and women apart. Gender social differences are made by culture. These social constructs are associated with male or female-specific values and beliefs, as well as behaviors, expectations, roles, and representations. Gender differences include socially agreed-upon differences rather than biological ones, which means that those cultures assign that. These are the areas where there are differences between men and women, and sometimes these differences lead to inequality. It refers to disparity in opportunity distribution or social inequality. Race, education, and family history are frequently cited as factors that contribute to opportunity inequality. Gender inequality disparities among individuals are the primary focus of the current study. During childhood, female roles are formed through identification.

Women's Human Rights Under Constitutional Framework

India's supreme law is the Indian Constitution; The Constitution's provisions determine the authority of all other laws. "Justice" - social, economic, and political justice; "Liberty" - freedom of thought, expression, belief, faith, and worship; "Equality" - status, opportunity, dignity of the individual, and the integrity of the nation - are guaranteed to all Indian citizens. With such phrasings, the preface of the Indian constitution guarantees the fundamental basic freedoms of all men as well as ladies. From the perspective of women's human rights, however, the constitution's provisions also provide women with special protection.

1. Article 14's Right To Equality

The UDHR's Article 1 states that every human being is born free and equal in dignity and rights, and its Article 7 says that everyone is equal before the law.

2. According to India's constitution, women have the same legal status as men because the state cannot deny anyone equality before the law or equal protection from the law within the country.

2. Right Against Segregation

- a) The UDHR's Article 2 guarantees all rights and liberties without discrimination. Equal protection against discrimination is also discussed in Article 7. Because the state cannot discriminate against any citizen solely on the basis of religion, race, caste, sex, or place of birth,[7] no citizen shall be subject to any disability, liability, restriction, or condition with regard to:
 - a) The use of wells, tanks, bathing ghats, roads, and places of public resort maintained wholly or partially out of state funds or dedicated to the use of the general public.[8]

However, the state can make special provisions for women as exceptions to the principles of non-discrimination under clause (3) of the article.

3. The right To Be Treated Equally In Public Employment

There is equality of opportunity for all citizens, male and female, in matters relating to employment or appointment to any state office. No citizen can be ineligible for or discriminated against in respect of any employment or office under the state on the basis of religion, race, caste, sex, descent, place of birth, residence, or any combination of these factors. [9] However, the government has the authority to make reservations. The right to speak and express oneself freely:

According to article 19 of the UDHR, everyone has the right to freedom of opinion and expression. Using their right under Article 19 (1) (a) of the Indian Constitution, which guarantees freedom of speech and expression to all citizens, women can speak up about any issue that affects them.

5. Work Right Away

In its article 23(1), the UDHR affirms that everyone has the right to work, the freedom to choose their employment, fair working conditions, and protection from unemployment. Article 19 (1) (g) of the Indian Constitution guarantees freedom to all citizens to choose their occupation, profession, and business, recognizing this right in its structure.

6. Right To Life And Individual Freedom

Article 3 of the UDHR recognizes a person's right to life, liberty, and security. By guaranteeing that no person shall be deprived of his or her life or personal liberty except in accordance with procedure established by law, Article 21 of the Indian Constitution also grants every woman and man the right to live as they choose.

7. Protection From Exploitation

The UDHR's Article 5 protects against cruel, inhuman, or degrading treatment. Article 23 of the Indian Constitution prevents human trafficking and bonded labor, safeguarding women's safety and guaranteeing their right to work. The Indian parliament passed the Suppression of Immoral Trafficking in Women and Girls Act, 1956, later renamed the Immoral Trafficking (prevention) Act, 1956, to put the idea of this article into action. Sacred Plan of Order Standards of State Strategy guides the state to get the possibility of ladies' directly in the general public.

8. Right To Vocation

According to Article 39 (a), every citizen, regardless of gender, is entitled to an adequate means of subsistence. Same right has been perceived under article 23(3) of UDHR which says that every individual who works has the privilege to simply and positive compensation.

9. Equal Worker Compensation

The Indian Constitution guarantees that the state shall, in particular; direct its approach towards getting that there is equivalent compensation for equivalent work for men as well as ladies. UDHR under article 23(2) likewise gives such right.

10. Workplace And Maternity Leave Conditions That Are Fair And Humane

Article 42 of the Constitution coordinates that the state will make arrangement for getting simply and human states of work and for maternity alleviation.

11. Constitutional Right To Redress

If one of these fundamental rights is violated, the woman who is hurt can go to the Supreme Court and the High Court and file a writ petition under Article 32 and Article 226 to get help. However, the Directive Principles of State Policy have no such mechanism because they are not enforceable by any court with writ jurisdiction. The state is under obligation to carry out such standards through its arrangement. As a result, the state is morally obligated to implement the Directive Principles of State Policy.

The Commission On The Status Of Women

"to prepare recommendations and reports to the [Council] on promoting women's rights in political, economic, civil, social, and educational fields," read United Nations Economic and Social Council resolution 2/11 in 1946.

Additionally, the Commission is tasked with recommending solutions to "urgent problems requiring immediate attention in the field of women's rights" to the Council. The Commission meets once a year and comes to a consensus on each year's priority topics. An assessment of progress, gaps, and obstacles are included in the agreed-upon conclusions, as are specific suggestions for governments, international organizations, civil society, and other stakeholders. Additionally, the Commission adopts resolutions on a variety of issues related to women's rights. The Commission has actively contributed to important international legal and policy instruments like the Beijing Declaration and Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women, and the Declaration on the Elimination of Violence against Women throughout its history.

Challenges Faced By Women In India

In spite of the fact that the laws that are in place in India guarantee women equal rights, many issues that women face on a daily basis persist. Men and women have never been treated equally or given the same status anywhere in history.

Women have historically fought for their social status and rights. In order for them to lead lives that are exactly comparable to those of men, they have repeatedly called for equality. Even after the independence, they continue to fight. If we look at the current situation, many women continue to face issues like gender discrimination, sexual abuse, and child marriage, among others. In India, women are elevated to the status of goddesses. However, the challenges they face merely demonstrate the opposite of this concept. On the one hand, they are revered as goddesses, but on the other, they treat them cruelly and treat them with contempt. When it comes to gender inequality, many parents would rather have a boy than a girl because, according to their so-called "mentality," boys will continue in their generation. They continue to attempt to determine a baby's gender despite the fact that it is against the law. If they find a male, they will carry the pregnancy to term, but if they find a female, they will terminate it. Why they don't see that they can't have a generation without a girl is beyond me. A woman can only conceive an infant. An age can't pass on without ladies. People have equivalent obligation regarding labor, yet neither can completely understand the experiencing a lady goes through during the nine months of pregnancy.

According to the most recent government report on crimes in India, women are still subjected to sexual abuse and harassment. In 2021, there were 31,677 rape cases, or 86 per day on average, and approximately 49 incidents of violence against women were reported every hour. Domestic violence is a common experience for many of the women. A woman, 28, was raped by her father-in-law in Ludhiana. He raped her and spiked her drink.

The "Nirbhaya Case" refers to the 2012 gang rape and murder of a 22-year-old Delhi woman. She received justice seven years later. In these situations, women frequently feel compelled to remain silent out of social anxiety.

She is forced to endure this torture, which causes her physical and mental suffering, and she eventually attempts suicide.

The issue of education for women in India immediately grabs our attention. Women's status in our country has always been viewed as lower than that of men due to conservative traditionalism.

In the event that a young lady comes from an unfortunate family with a sibling, her folks will spend their cash on his schooling as opposed to hers.

According to their alleged philosophy, it is unnecessary to teach a girl and spend money on her because she will marry into someone else's wealth. She is actually an unwelcome burden.

When your parents tell you that you are someone else's responsibility, it hurts every woman. She feels torment and is inside destroyed. They are providing poor children with free education thanks to the Indian government. Parents are also allowing their daughters to attend school, at least as a result of the free education policy. They wouldn't have spent money on girls' education otherwise. We are grateful to the Indian government for providing low-income children with free education. The free education policy has helped parents at least allow their daughters to study. They wouldn't have paid for girls' education otherwise.

How can these problems be solved?

- In order to address these issues that Indian women face, everyone must collaborate. The government, along with everyone else, must work to make it safe for women to be there. The law must impose harsher penalties on criminals who harm women. They must also be effectively implemented for everyone to take them seriously.
- Education must also be given a lot of importance. All girls and women should be required to have an education in order to have a better future. We must collaborate in order to protect and defend our Indian women. It will boost global development and growth in our nation.
- As a consequence of this, we all need to be ready to treat women equally. We should uphold them at each stage and go past that by giving them the opportunity to decide for themselves. After that, these issues can be addressed, ensuring that women will no longer face gender-based discrimination.

The rights of women in India are being hampered by a number of obstacles. affecting women's empowerment in India These issues will get an education directly: In terms of education, the nation has grown by leaps and bounds since independence. The hole among ladies and men is extreme. In India, only 65.46 percent of adult women are known to be literate, while 82.14 percent of adult men are educated. The threat of gender bias exists in specialized professional training and higher education. In addition: Since poverty is regarded as the greatest threat to peace in the world, it ought to be a national objective of equal importance to eradicating illiteracy. Women are exploited as domestic helpers as a result. Harassment of another's

sexuality: places, "Eveprosecution of such assault crimes" mostly goes. Under the Indian Corrective Code, and kidnapping, attack, lewd behavior, misdeed Anyway s ladies , occurrences that could carry disgrace to casualties and their families. poses a teasing, which is a common euphemism for unreported sexual harassment or molestation in public. A culture of complicity and the government's weak crimes against women, such as rape, kidnapping, homicide for dowry, and the importation of girls, are cited by many analysts as the reasons for this. According to analysts, the plight of victims has been made worse by India's slow, overburdened, and underfunded criminal justice system. The majority of rapes are not reported because of cultural prejudices regarding issues like health and safety: The concerns that women have regarding their health and safety are of the utmost importance for the well-being of a nation and play a crucial role in determining how empowered women are in that nation. Anyway there are disturbing worries where maternal medical services is concerned. Inequality in the workplace: This inequality is seen in promotions and employment. In male-dominated environments like government offices and private businesses, women face numerous disadvantages. Inequality in the Family: Family relations show orientation predisposition, in India for example sharing weight of housework, childcare and humble works by purported division of work. Work is more important to women than it is to men, which makes it harder for women and men to have equal rights.

Strategies Of Women Empowerment In India

The primary reason women in India are targeted is that they are unaware of their fundamental civil and constitutional rights. A woman's life is impacted in every way by the patriarchal system. In such a scenario, the majority of them are frequently forced to accept traditional practices that are harmful to the development of both themselves and their children. Despite women's increased awareness of their rights and a degree of financial and political autonomy, they still feel powerless to effect basic changes that would eliminate gender inequality.

The National Commission for Women has taken up the fight for women's rights and has demanded more severe punishments for crimes against women and a separate criminal code for women. The purpose of the proposal to create a separate criminal code for women was to increase the rate of convictions and expedite justice for women who had been wronged. However, the government did not support this proposal, so it was put on hold. The inclusion of cultural norms and attitudes toward women in the curriculum is the only way to reduce violence

against women. Students should have access to study materials that teach them about human rights and gender issues at the school, college, and university levels. In India, indigenous cultures and religious leaders frequently support and perpetuate violence against women. As a result, indigenous communities must attempt to implement mechanisms and strategies to end such antiquated brutal practices against women. The strict pioneers and specialists should survey the consecrated original copies and precepts with a thought of to empower populism and dignity for ladies.

Conclusion

"The family, the village, and the nation move when women move forward." It is crucial because their thought and values guide the formation of a good family, society, and country in the end. True equality can ensure a better democratic system, values, and best rights. Assuring the protection and welfare of women is the urgent need. A proper awareness of the rights of women can ensure their safety and protection.

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