



Rights of Women in India: A Human Rights Perspective

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Abstract:

Women's rights refer to the rights and entitlements claimed for women and girls around the world. These rights laid the foundation for the women's rights movement in the 19th century and have continued to drive feminist movements throughout the 20th and 21st centuries. In India, women's rights are guaranteed by the Constitution and are further reinforced through a range of laws and policies designed to promote equality, dignity, and protection for women. These rights cover multiple aspects of life, including equality before the law, freedom from discrimination, protection from violence, and access to justice. Despite notable progress, significant challenges remain in achieving full gender equality and empowerment for all women in India.

Keywords: Women, Rights, Equality, Protection

Introduction :

‘Gender equality and the empowerment of women and girls is not just a goal in itself, but a key to sustainable development, economic growth, and peace and security’ - UN.

Women's rights refer to the legal, social, and cultural entitlements and freedoms claimed for women and girls worldwide. These rights formed the foundation of the women's rights movement in the 19th century and have continued to inspire feminist movements throughout the 20th and 21st centuries. In some countries, these rights are institutionalized or supported by law, local custom, and behavior, whereas in others, they are ignored and suppressed. They differ from broader notions of human rights through claims of an inherent historical and traditional bias against the exercise of rights by women and girls, in favor of men and boys. (Hosken, Fran P, May 1981)

Gender equality is not only a fundamental human right but also a vital cornerstone for creating a peaceful, prosperous, and sustainable world. Ensuring that all individuals—regardless of gender—have equal access to education, healthcare, decent work, and opportunities to participate in political and economic decision-making strengthens societies and benefits humanity as a whole. Recognizing that women's rights are human rights is essential to addressing gender inequality and eliminating discrimination. Women and girls, like all individuals, deserve equal rights and freedoms regardless of gender. While significant progress has been made over the decades, discrimination in various forms continues to hinder women's access to education, healthcare, employment, and political participation. Addressing these persistent inequalities is essential not only for achieving justice and equity but also for fostering broader social and economic development. Protecting and promoting women's rights is fundamental to building a more inclusive, compassionate and resilient global community.

The concept of women's rights as human rights is firmly rooted in the Universal Declaration of Human Rights, which affirms that all people are born free and equal in dignity and rights. Women's rights are essential for creating a just, peaceful, and prosperous world. As fundamental human rights, they ensure women's equality and empowerment across all areas of life—including education, healthcare, economic opportunity, and political representation. These rights encompass the basic freedoms and entitlements that every woman and girl around the world should enjoy, such as the right to live free from violence and discrimination, the right to education, property ownership, political participation, and fair and equal pay. Ongoing global efforts by governments, organizations, and legal systems continue to protect and advance women's rights, promoting dignity, equality, and full participation for all women.

Objectives:

The objectives of the study are -

- i) To analyze the rights of women in India
- ii) To study the Laws for Women in India
- iii) To know the need of Women rights.

Methodology :

The study is descriptive and analytical based on secondary sources. The data is collected from relevant books, journals, newspapers and magazines both national and regional in English and Assamese languages. Internet resources also have been accessed extensively. In this paper an attempt has been made to study and review women rights in India.

Rights of Women in India:

India has a rich and complex legal history shaped by centuries of evolving social and cultural dynamics. While the legal system has undergone substantial reforms over time, women have historically faced systemic disadvantages within the framework of law. Even today, certain legal provisions continue to reflect gender bias, leading to outcomes that can be discriminatory or harmful to women. In response, a growing movement

for legal reform has emerged, advocating for a more equitable, just, and inclusive legal system. This movement has driven important legislative advancements, yet significant challenges remain in practice.

Advancing women's human rights is fundamental to building a fair and just society. Although India has made notable progress in recent decades, persistent challenges continue to undermine the full realization of these rights. Gender-based violence, harmful traditional practices, restrictive socio-cultural norms, and enduring disparities in education and employment are among the critical issues that must be addressed. Overcoming these barriers is essential to creating a society that genuinely respects and upholds the rights of women. Achieving this vision requires the concerted efforts of government institutions, civil society organizations, communities, and individuals. Through sustained collaboration and commitment, India can empower women to fully exercise their rights, contribute meaningfully to national development, and lead lives marked by dignity, equality, and opportunity. This article aims to provide an overview of the current status of women's rights in India, along with the legal protections in place to safeguard them. It also highlights the ongoing struggles and areas where further reform is needed to ensure meaningful equality.

Right to Equal Pay:

One of the most fundamental labour rights is the principle of equal pay for equal work. In India, the Equal Remuneration Act of 1976 (ERA) serves as the key legislation ensuring that men and women receive equal wages for performing the same or similar work. The ERA also prohibits gender-based discrimination in employment matters such as recruitment and promotion, reinforcing the commitment to workplace equality.

Right to protect against Domestic Violence:

Cases of harassment and abuse—whether sexual, physical, or mental—against daughters, wives, and daughters-in-law frequently make headlines. To address this issue, the Protection of Women from Domestic Violence Act, 2005 (DVA) was enacted to safeguard women from domestic abuse. If a woman experiences such violence, Section 12 of the DVA allows her to file a complaint and seek legal protection and relief through the appropriate authorities.

Right to Maintenance:

Every married woman has the legal right to receive financial support, commonly referred to as maintenance, from her husband—even if they are not living together. This right is upheld under various laws for women in India, including the Hindu Marriage Act, 1955 (HMA) and the Protection of Women from Domestic Violence Act, 2005 (DVA). According to Section 24 of the HMA, either spouse—wife or husband—can seek monetary assistance during legal proceedings. To be eligible, the petitioner must demonstrate that they lack sufficient income to support themselves.

The right to equality before law:

Women should have equal rights and legal protection. This means they should not face discrimination or have their rights ignored because of their gender. They must have equal access to justice and legal services when needed. The law should be enforced fairly and impartially, without bias. Achieving this requires investing in legal education, raising awareness of gender-related issues, and supporting initiatives that promote justice and equality for all.

Right to Self-Defence:

Under Section 100 of the Indian Penal Code (IPC), every individual, including women, has the right to protect themselves from any act of violence, assault, or attack that causes a reasonable apprehension of death, grievous hurt, kidnapping, or similar serious harm.

Right to sharing of property

The Hindu personal laws 1956 granted women inheritance rights. However, sons had an independent claim to ancestral property, while daughters' shares depended on what their father inherited. This allowed a father to effectively disinherit a daughter by renouncing his share, while sons retained their entitlement. Moreover, married daughters, even those suffering from domestic abuse or harassment, had no residential rights in the ancestral home.

An important amendment in 2005 changed this—granting daughters equal rights as sons in ancestral property, thereby ensuring gender parity under Hindu inheritance law.

The right to vote and participate in the political process

In many parts of the world, women only gained the right to vote relatively recently compared to other segments of society. The movement for women's political participation began gaining momentum in the late 19th century, as countries started enacting laws that recognized women's freedom of expression and basic human rights. Today, women have the ability to voice their opinions on critical issues such as healthcare, education, and social welfare. More importantly, they can advocate for meaningful change at both national and international levels. Women's voices matter—and their active engagement in the political process are essential for building more inclusive and representative societies.

Right to Dignity:

Every woman deserves to live a life of dignity, equality, and respect—free from fear, coercion, violence, or discrimination. Article 21 of the Indian Constitution guarantees the right to life and personal dignity to all citizens, including women. To support this right, Section 354A of the Indian Penal Code criminalizes sexual harassment. Additionally, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 provides a legal framework that enables women to report workplace harassment and seek appropriate redress and protection.

Rights at Workplace:

Every woman is entitled to a safe and supportive work environment that promotes her well-being. It is essential that she remains free from all forms of discrimination and harassment. The Constitution of India, along with key legislations such as the Equal Remuneration Act of 1976, the Maternity Benefit Act of 1961, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013, guarantees these rights and protections for women in the workplace.

Right against Dowry:

Many women are unable to marry due to unjust and excessive dowry demands. The Dowry Prohibition Act, 1961 criminalizes the practice of dowry, prohibiting both the giving and receiving of it. Every woman in India has the right to live free from dowry-related demands, harassment, and abuse. This law aims to protect women's dignity and promote equality in marriage.

Right to Free Legal Aid:

If a woman is unable to afford legal assistance, she is entitled to receive it free of charge under the Legal Services Authorities Act, 1987. This Act recognizes free legal aid as a right and provides for the establishment of legal services authorities at the national, state, and district levels to ensure access to justice for all.

Laws for Women in India:

In India, various laws have been enacted to safeguard the rights of women in areas such as family matters, criminal offenses, employment conditions, and property ownership. The Constitution of India guarantees rights that aim to ensure both the protection and empowerment of women. In this section of the article, we will explore the key legal provisions that protect women's rights in the country.

The Dowry Prohibition Act, 1961

The primary objective of the Dowry Prohibition Act was to eliminate the practice of dowry in India. The Act strictly prohibits both the giving and receiving of dowry. It also seeks to protect women who are unable to marry due to unreasonable dowry demands from prospective grooms or their families. However, despite the legal provisions, dowry-related cases remain prevalent. Effective enforcement of the law continues to be a challenge, largely due to the country's vast population and the reluctance of many victims to file complaints out of fear or social pressure.

The Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005, is a key piece of legislation in India aimed at safeguarding women from domestic abuse and oppression. It provides for strict legal action against husbands or partners who harass, abuse, or mistreat women within their own homes. The Act ensures various forms of relief for affected women, including protection orders, residence orders, and monetary support, all intended to secure their safety, dignity, and overall well-being.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, is an Indian law designed to protect women from sexual harassment at work and establish clear procedures for addressing complaints. The Act addresses the issue of sexual harassment of women in the workplace by providing a strong legal framework to prevent and redress such incidents. It aims to create a safe, fair, and respectful working environment, free from harassment and abuse. The legislation mandates the establishment of Internal Complaints Committees (ICCs) and the implementation of a POSH (Prevention of Sexual Harassment) policy in all organizations, ensuring prompt and effective handling of complaints.

The Maternity Benefit Act, 1961

Working mothers often face challenges during childbirth and the prenatal stage. To address this, the Maternity Benefit Act, 1961 was enacted to provide maternity leave and related benefits. Originally, the Act mandated a minimum of 12 weeks of paid maternity leave, which was extended to a maximum of 26 weeks through the 2017 Amendment. For legal practitioners, students, and anyone seeking an in-depth understanding of the law, Universal's and LexisNexis's Bare Act on the Maternity Benefit Act, 1961, including all recent amendments and rules, serves as an essential and comprehensive reference.

The Prohibition of Child Marriage Act, 2006

The Prohibition of Child Marriage Act is a landmark piece of legislation aimed at preventing child marriages and protecting the rights of minors. It seeks to ensure that girls have the opportunity to grow, pursue education, and make informed decisions about their lives and marriages, thereby safeguarding their health and overall well-being. Despite its significance, enforcement remains challenging in many parts of the country due to deeply rooted customs and traditions.

The Medical Termination of Pregnancy Act, 1971

In India, the termination of pregnancy is governed by the Medical Termination of Pregnancy Act, 1971 (MTP Act). Under this Act, a woman is permitted to terminate her pregnancy within 20 weeks under certain conditions—such as when it is necessary to preserve her life, poses a risk to her physical or mental health, or if the pregnancy is a result of rape.

The Equal Remuneration Act, 1976

The Equal Remuneration Act, 1976 (ERA) was enacted to ensure gender equality in the workplace by mandating that men and women receive equal pay for the same or similar work. The Act aimed to promote equal benefits and economic opportunities for all workers, regardless of gender.

The Hindu Succession Act

The Hindu Succession (Amendment) Act, 2005 granted daughters equal rights to inherit property in joint families, ensuring that both men and women are recognized as rightful beneficiaries under the law. This amendment marked a significant step towards gender equality in property succession.

The Indecent Representation of Women (Prohibition) Act, 1986

The Act prohibits any indecent representation of women in all forms, including print media, advertisements, and other public mediums. It aims to protect the dignity and decency of women and to promote respect towards them.

The National Commission for Women Act, 1990 (NCW)

The National Commission for Women (NCW) was established in 1990 through the enactment of the NCW Act. Its primary objective is to safeguard and promote the rights of women in India. The NCW actively addresses issues related to gender-based discrimination, violence against women, and other violations of women's rights. As one of the most important bodies for women's protection, the NCW plays a vital role in advancing gender justice.

The International Covenant on Civil and Political Rights (ICCPR) protects a wide range of fundamental freedoms. These include the right to life, freedom from torture and slavery, the right to liberty and personal security and fair legal and criminal procedures. It also ensures equality before the law, freedom of movement, freedom of thought, conscience, and religion and freedom of association. Additionally, the ICCPR upholds family rights, children's rights, political participation, and the rights of minority groups to practice their culture, religion, and language.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) guarantees essential economic and social rights. These include the right to work, the right to form and join trade unions and protections related to marriage, maternity, and child welfare. The ICESCR also affirms the right to an adequate standard of living, access to healthcare, education and participation in cultural and scientific advancement.

The founding ***United Nations charter*** (1945) included a provision for equality between men and women (chapter III, article 8). ***The Convention on the Political Rights of Women adopted in 1953*** by UN General Assembly is a first international legislation regarding political rights of women and it aims to codify a basic international standard for women's political rights.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international treaty adopted by UN General Assembly in 1979. The Convention defines discrimination in its article 1 as "... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the

political, economic, social, cultural, civil or any other field.” The Convention defines the nature and scope of sex-based discrimination and outlines the obligations of States to eliminate such discrimination and promote substantive equality. As with all human rights treaties, only States assume legal obligations through ratification. However, the Convention requires States to address not only discriminatory laws, but also harmful practices, customs, and discrimination by private individuals or entities. CEDAW, along with its 1999 Optional Protocol, is often referred to as the international bill of rights for women. It encompasses both civil and political rights—such as the rights to vote, participate in public life, change or retain one’s nationality, equality before the law, and freedom of movement—as well as economic, social, and cultural rights, including the rights to education, work, health, and access to financial credit. Structured around the principles of equality and non-discrimination, the Convention affirms the equal rights of women and men in all areas of life. It calls on States to take proactive measures in public administration, education, healthcare, employment, and family life to ensure that women enjoy full equality with men. CEDAW addresses a wide range of discriminatory actions defined as any distinction, exclusion, or restriction that either intentionally or effectively discriminates against women. The Convention goes beyond other human rights treaties by clearly outlining the obligations of States and the specific actions required to achieve gender equality in practice. It not only mandates equal rights for women and men but also prohibits laws, policies, and practices that sustain or reinforce women's inequality. Central to CEDAW’s framework are the concepts of substantive and formal gender equality, as well as de jure and de facto discrimination. While most countries that have ratified CEDAW impose no legal barriers to women’s political participation, women continue to be significantly underrepresented at all levels of government.

Constitutional Provisions for Women in our Constitution:

- Article 14 – Guarantees equality before the law and equal protection of the laws, ensuring equal rights and opportunities for men and women in the political, economic, and social spheres.
- Article 15(1) – Prohibits discrimination by the State against any citizen on the grounds of religion, race, caste, sex, or place of birth.
- Article 15(3) – Empowers the State to make special provisions for women and children, enabling affirmative action in favor of women.
- Article 16 – Ensures equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- Article 23 – Prohibits human trafficking and forced labor, providing protection against exploitation.
- Article 39(a) – Directs the State to ensure that men and women have equal rights to an adequate means of livelihood.
- Article 39(d) – Mandates equal pay for equal work for both men and women.
- Article 42 – Requires the State to make provisions for securing just and humane conditions of work and for maternity relief.

- Article 51(A)(e) – Places a fundamental duty on every citizen to renounce practices that are derogatory to the dignity of women.
- Article 300(A) – Recognizes the right to property as a legal right, applicable equally to women.
- 73rd and 74th Constitutional Amendment Acts, 1992 – Provide for the reservation of one-third of seats for women in Panchayati Raj institutions and urban local bodies (municipalities), enhancing their participation in local governance.

Conclusion:

India has a comprehensive set of laws and provisions designed to protect women's rights across various areas, including criminal offenses and family matters. These laws have been instrumental in shielding women from discrimination and violence while promoting gender equality. However, challenges remain in their effective implementation. These obstacles include a lack of awareness, deep-rooted societal and cultural norms, and weak enforcement mechanisms. It is crucial to continue addressing these issues to ensure that every woman in India can exercise her legal rights freely and without fear of violence.

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