

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**

[ISSN 2581-5369]

Volume 4 | Issue 2

2021

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Critical Views on the Issues, Rights and Legislation of Women in India and across the Globe

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ABSTRACT

The current research paper is penned down with an endeavor to break down the situation with women in India, and also of ladies from various worldwide circles, by utilizing different secondary sources. The examination uncovers that women of India are generally not efficiently empowered and a lot of changes are still needed to be brought in, in order to bring gender equality to the society. In order to curb the gap between the genders, various issues that women face are being discussed in this research paper. The issue of domestic violence, education, health & hygiene, legal awareness, lesbian relationships, sexual workers trafficking problems, and various other aspects are being discussed. The research paper gets enclosed with the carved out suggestion that spreading legal awareness and educating the masses, especially the female masses, to recognise their rights and to fight for the same is the ultimate solution to bring in gender equality.

Keywords: *Women's Rights, Legal Awareness, Critical Views, Legislations For Women.*

I. INTRODUCTION

In the earlier times, common laws and freedom structures had been conceptualized in a way that didn't assess rights, dignity, and importance of the women. Also, since ages it can be seen that women are the main victims of every sort of mis-happening, may it be discrimination, sexual assaults, customary punishments, or any sort of coercion. Due to such mis-happenings occurring only to the female gender, the society has unarguably developed extremely stringent and uncomfortable surroundings in the society, for women. This ultimately makes it a patriarchal society, if we talk about the above-mentioned societal atrocities against women.

With the help of state machineries, brave steps taken by activists, framing up of basic liberty systems and proper judicial deliveries, there has been betterment in the situation of women in the society. But, even after so much of development, women have not attained their deserving

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status, till date. Effectively guaranteeing women's basic freedoms requires a wide-going comprehension of the central cultural frameworks and Power relations that characterize and invigorate the capacity of the women to experience and perceive the fundamental rights of their lives.

Accomplishing fairness among all the genders, and disposing of all types of oppression against women are and ought to be the major goals to attain Fundamental rights & liberties and United Nations esteems, to thrive righteously in any society. Notwithstanding anything, women, everywhere in the world, also in India, normally experience infringement of their basic liberties for the entire duration of their lives, and failing to safeguard their basic freedoms of ladies has not generally been a need. Accomplishing fairness among men and women requires an extensive comprehension of the manners by which women experience segregation and are denied equality, so that it will create proper channels and standards that will dispense such parities. For this, we need to deeply understand the issues, the ongoing and past happened incidents by way of the landmark and recent judgements, and further by laying down relevant suggestions for the same.

Here in this research, the researchers will cover all those major issues that women go through, followed by the landmark and crucial case laws and legislations. The authors of this paper will also put forward the critical views that would further aid in getting closer to the attainment of transformation, which we need to bring about in the society. Also, for the better conduction and completion of the research paper, the authors of this paper would carve out relevant suggestions that can be brought in.

(A) Research Objectives

Below are the research objectives behind writing this research paper.

- To analyse the issues that gave rise to the laws for safeguarding women's interest.
- To analyse and comprehend the legislations in fostering Women's Rights.
- To critically analyse the issues that women face and to carve out relevant suggestions for the same.

(B) Research Methodology

For this research work, the methodology followed is doctrinal. The research methodology processed and implemented is qualitative in nature, where secondary sources such as books, articles, journals, etc are being analysed and used to complete and give an effective research work. The various prospectus that are analysed in this work are studied with the help of

significant legal principles and the important case laws. The researchers have deciphered the concepts by deducing different judgements laid down by the courts. This will lead to a detailed study about the given topic. None of the primary sources of research are opted by the researcher to carry out this work.

II. ISSUES WHICH GAVE RISE TO NEED OF LAWS FOR WOMEN

Women are entitled to the very same human rights and basic liberties as everyone else. However, discrimination based on sex and gender continues to be a problem for many women and girls around the world. Gender inequality is at the root of a slew of issues that adversely affect women and girls, including domestic and sexual violence, low pay, a lack of educational opportunities, and insufficient healthcare. Women's rights movements have lobbied hard over the years to address this injustice, whether through lobbying for legislation or going to the streets to demand that their rights be respected. In the electronic era, new movements have sprung up, such as the #MeToo movement, which stresses the occurrence of gender-based sexual harassment.³

People started to campaign for women's voting rights in the late 19th and early 20th centuries. New Zealand was the very first nation in the world to grant women the right to vote on a state scale in 1893. It's hard to believe that only two nations granted women to vote in 1911, despite the fact that it's now a nearly universal right. Women's suffrage is now a privilege under the Convention on the Elimination of All Forms of Discrimination Against Women, thanks to the support of everybody involved throughout this struggle (1979).

Despite these advancements, many women still find it difficult to exercise their right to vote in many parts of the world. Consider Syria, where women have essentially been cut off from political participation, including the current peace process. Despite the fact that voting is a fundamental right in Pakistan, influential figures in certain communities have successfully prevented women from voting by using sexist local traditions to prevent them from showing up to vote.

The legally guaranteed equal rights for women in India also runs counter to the harsh social reality and social values of the country.⁴ During the fight for independence in India in the twentieth century, the fight for women's equality began. Women's involvement in the public sphere has increased as a result of this. Due to the obvious free flow of goods, investments, and

³ Rights in India: Problems and Prospects. *International Research Journal of Social Sciences*, 3(7), Saryal, S, 49-53. Taken from <http://www.isca.in/IJSS/Archive/v3/i7/9.ISCA-IRJSS-2014-84.pdf>

⁴ Legal Framework for Women and Work- Available on October 02, 2017 retrieved http://www.catalyst.org/system/files/legal_framework_india_1.pdf

ideas, more Asian women than ever are involved in business ventures, overseas platforms, and multi-national professions such as marketing and design, and also have greater prospects.

The background of the fight for universal suffrage, as well as most of the civil rights movement, shows the intersection of politics and law. Remarkably, it also represents the growing aspects of global law - or, perhaps more accurately, international doctrine - in the promotion of rights only at the community level. Legal barriers, on the other hand, have a negative effect on more progressive national efforts, especially on the worldwide platform. Finally, the biggest impediment to the realization of the universal promise of equality is the failure to apply and uphold rights.

III. DEVELOPMENT OF LAWS AND MAJOR LEGISLATIONS FOR WOMEN

Several policies and laws have been enacted around the world in recent years to give women the fundamental rights that they have previously been denied. Women struggle in a variety of ways all over the world, especially now, in the midst of a global pandemic. Despite this, there is still a lot of work to be done.

SAUDI ARABIA - Women over the age of 21 and 40 may enter the Saudi Arabian military services — from the navy to air defense to healthcare care — through a new applications process that began in February, representing a watershed moment for a culture where women only acquired the basic right to drive in 2018. However, this step forward will be viewed with caution. Loujain al-Hathloul, a female campaigner who campaigned for the right to drive, was arrested in 2018 but only released this month after spending three years in jail despite her attempts to get women behind the wheel being accomplished.

LEBANON- Rape victims in Lebanon could get away with it until 2017 if they agreed to marry their alleged victims. Years of propaganda, slogans, and enraged Lebanese dissidents were required to put a stop to this repressive and unsettling tactic. Sexual harassment has been criminalized in Lebanon for the very first time, thanks to new rules passed in December. The legislation contains a comprehensive definition of rape that includes online harassment. Victims and testimony witnesses are promised protection and those guilty face three to 3 years in jail and heavy fines.

INDIA- Workplace sexual harassment is a type of gender inequality that infringes on a woman's constitutional rights to freedom and life, as protected by the Indian Constitution's Articles 14, 15, and 21. The POSH Act was enacted with the aim of combating and defending women from sexual abuse at work, as well as creating a toxic work climate.

MEXICO- The Mexican legislature passed a bill in February 2021 requiring courts to consider women's disabilities when deciding whether or not to offer protection to victims of violence. This was a great victory for the disabled women's advocacy organizations who sent the legislation to Senator Mal Micher themselves. This, however, was not their only demand. Other recommendations submitted to the chair of both the Commissioner on Women's Rights called for more disability-friendly shelters and services and support, such as personal help with everyday activities and hearing-impaired rescue systems, which are still being considered.

ARGENTINA- Applications to legalize abortion in this South American nation in 2018 were unsuccessful. As per The Washington Post, abortion is among the most critical topics for voters mostly during the 2019 Argentinian presidential campaign, particularly after Ni Una Menos (“Not One Less”), a women's alliance founded in 2015, framed contraception as a public health crisis rather than an individual choice. They were successful in their efforts.

The #MeToo movement is gaining traction in Iran, with the government indicating that it intends to make sexual harassment illegal. The year before, Spanish public officials hinted at tougher law against sexual violence, but no charges have been brought since the pandemic's death toll. On Women's Day in Kazakhstan, the very first Women's March was held. Protest movements for women's rights are gaining traction in the United Kingdom, Europe, Turkey, and Poland. In addition, there is growing support in the United States for women and families to be known for their unpaid labor. The advancement is welcoming as women around the world continue to show hope and strength, particularly in the face of a global pandemic.

IV. ISSUES

Domestic Violence

The intriguing oddity of Domestic Violence in India is the most omnipresent form of women's rights infringement, but at the same time, the most un-announced and talked about issue. “Pertaining to the four major types of domestic violence, i.e Physical, Emotional, Sexual, and Economical, there could be several instances adding to such issues.”⁵ At present, the major reason is the onset of lockdown due to Covid-19, but the root cause remains the same, i.e the illicit mentality of the patriarchal society. Apparently, because of no earlier information on the lockdown, women going through such abuse couldn't have moved away from their risky partners or families, so amounting to the rise of domestic violence cases during the pandemic. The main reasons of men doing so include unemployment, frustration, excess alcohol intake,

⁵ *Bhartiben Bipinbhai Tamboli v. State of Gujarat*

etc.

The civil law of The Protection of Women from Domestic Violence Act, 2005 guarantees the insurance of married women against men. Similarly, The Dowry Prohibition Act is of a criminal sort, inside which the providers and takers of dowry will be prosecuted. Other important safeguarding legislations and provisions include Section 498A of the Indian Penal Code, which is also criminal in nature, that exists to keep brutality in check which occurs inside the homely premises.

With time, there is advancement to the loopholes of the legal provisions, one of such advancements can be traced to the case *Hiral P. Harsora And Ors V. Kusum Narottamdas Harsora And Ors*⁶. In this case the learned judges omitted the word of male adults, who were designed to be the abuser, forgetting that the relatives of those adult males are equally liable for such acts. Through this judgement the ambit of abusers widened, and the women fellow members who will be abusing within the families can also be caught for the same.

Similarly, in the case of *Lalita Toppo v. Territory of Jharkhand and anr.*⁷, the women need not be legitimately married, but can be an estranged live-in partner or similar to the abuser or herein the male partner, and the relatives of the male partner. Similar was the case nature and judgement in the case of *Ajay Kumar vs Lata*.

The recent case of *Binita Dass v. Uttam Kumar*⁸, it was opined and delivered that interim maintenance shall not be denied to the married woman on grounds that she is an independent qualified individual and has the ability to be self-sufficient. This judgement was laid by the learned judge Justice Sachdeva of the Hon'ble Delhi High Court. Although the issue of domestic violence is reforming positively with a shift in time frame, it still requires a lot of development, mainly ensuring the spread of legal knowledge about the same amongst the female communities, and among every social strata of a country.

Critique Views:

- Sexual orientation based violations require another methodology or approach in comparison to the way they are perceived, studied, examined, or worked out.
- The violations which have been recorded legally and surprisingly those that require future pondering can scarcely be acknowledged by just focusing on reformatory, security, or punitive measures.

⁶ *Hiral P. Harsora And Ors V. Kusum Narottamdas Harsora And Ors* 2016(10) SCC 165

⁷ *Lalita Toppo v. Territory of Jharkhand and anr* 2018 (3) ACR 3411

⁸ *Binita Dass v. Uttam Kumar* (AIR 2019 SC 2600)

Refugee

Refugee is someone who has displaced himself from his own nation; not because of his choice but because there is no way he can stay there. A refugee moves out of his nation because of the fear of getting persecuted and never returns due to that fear.

India is the dwelling place to more than 2 lakh refugees as well as asylum seekers. These refugees have made place for themselves in the urban areas. However, it is pertinent to note that they still don't have a normal life. Especially, the refugee women are subjected to different kinds of violence and exploitation which includes sexual violence among other crimes. Sexual abuse and other grave crimes committed against some really marginalized refugees are unimaginably barbaric and brutal acts that violate all humane standards of behaviour. It is a breach of Natural Justice as well as the ethical rule we observe and obey.

The brutal treatment of women is a heinous and pervasive trend. According to reports, militants in many countries have used women for their sexual gratification and punished them after that to demonstrate their strength. Women have also been abducted, coerced into prostitution, and forced into slavery on several occasions. In addition to the threats posed by opposing militant groups, women are vulnerable of being brutalized by human smugglers or even security forces in the border.

Critique Views:

- The refugees must be made aware of their legal rights and welfare programmes.
- There must be authority to keep a check on the women refugees and how they are being treated.
- Even when the refugees leave the war zone, protection can be difficult to come by. Choosing to stay in a refugee center within their own country or finding shelter abroad puts women's welfare, rights, and health at risk.

Ethnic Issues

Ethnicity is described as a sense of awareness among individuals of an ethnic group about the presence of certain common characteristics. It also includes the method of mobilizing people around a single reference point. This is done in order to create a unified front in order to express their socioeconomic or political desires. Thus, ethnicity refers to the mechanism of contact between two or more races.

India has more cultural and religious communities than any other nation in the world. Other than the well-known 2000 or so castes, there are 8 most important religions, more

than 15 mother tongues spoken in diverse dialects across 22 states and 9 union territories, along with a large number of communities and groups.

The plight of women in India has its roots from religions. Women have faced a lot of discrimination in the name of beliefs and preservation of culture. Right from Sati System to not allowing women into temples, from triple talaq to exploitation of Catholic women. Every religion has shown bias against women.

In recent times, India has seen an increase in ethnicity disputes pertaining to women. One such case was the Sabrimala Case. On 4th August, 2006, the Indian Young Lawyers Association filed a petition in the Hon'ble Supreme Court asking the permission for the entry of female devotees into the Lord Ayyappa Temple at Sabarimala. On 28th September, 2018, the Supreme Court passed its decision on the favour of the entry of women into the Ayappan temple.⁹ Similarly, in the case of Vineeta Sharma v Rakesh Sharma¹⁰, it was held that daughters can enjoy equal coparency rights in HUF property.

The Supreme Court gave its decision of calling "Triple talaq" in the case of Shayra Bano Vs. Union of India unconstitutional¹¹. The Apex Court of the country intervened into the personal laws and ensured a better and secure life for Muslim women.

However, even after the evolution of the society, most of the religions have a gender bias approach towards women. They have overloaded women with the burden of cultures, laws and rituals.

Women in other countries like Syria, Saudi Arabia, Pakistan, etc.

The emergent of Liberal Muslim Intellectuals played a great role in improving women's status in the Middle East and Asia. They provide different and new interpretations of the existing laws which were propounded by medieval jurists to help stay on par with the change in modern society.

Talking only Saudi Arabia, it has been recognized as the only or few countries that are opposed to any modification of law which would improve the status of women in the country. The women in Saudi Arabia suffer disabilities which are beyond the requirements of the interpretation of their existing laws. Such example may be

- It is made mandatory for the women to be covered fully or totally veiled whenever they are out in the public.

⁹ 2018 SCC OnLine SC 1690

¹⁰ Vineeta Sharma v Rakesh Sharma Civil Appeal 32601/2018

¹¹ Shayra Bano Vs. Union of India unconstitutional AIR (2017) 9 SCC 1 (SC)

- The women in Saudi Arabia are forbidden from driving
- The women in Saudi Arabia need to have a male guardian if they want to leave the house. Without which they cannot leave the house.
- They are restricted from voting.
- They are also restricted from any high political office.
- The rape victims are also punished. Not the culprits.

Critique Views:

- Sexism and misogyny are deep-rooted in almost all of the religions. Even after so many years of societal evolution, women are still considered low.
- Although, the two landmark decisions have been given by the Supreme Court in the favour of women, yet, to let go of the gender bias against women from a religious perspective, the followers of the religion have to open their mind and not act blind.

V. EDUCATION

One of the most critical aspects of equality for women in education. Despite the fact that Article 21 of the Constitution of India makes it obligatory for the state to offer free schooling to all people, a growing number of female education remains a distant hope. Despite the reality that the Sarva Shiksha Abhiyan has indeed been effective in getting the girl child back to class to some degree, their school enrollment rate is lower than their male counterpart. In reality, it has been discovered that as girl children progress through the grades, they begin to drop out. This is especially important in India's remote regions.

The fundamental framework ensures social justice for all citizens, and schooling is a social issue that governments must solve because if the nation is illiterate, there will be no true equality of opportunity. And if an individual is not offered the opportunity to live a life free of suffering and challenges, social change is impossible.

Article 21-A of Part III of the Indian Constitution now recognizes the right to education as a constitutional right. In the case of *Mohini Jain vs. State of Karnataka*¹², this was achieved. This case was decided by a Supreme Court section bench. Justices Kuldip Singh and R.M. Sahai ruled as follows: "Right to education is the essence of the right to life and directly flow and interlinked with it, and life living with dignity can only be assured when there is a significant role of education".

¹² *Mohini Jain v. State of Karnataka* 1992 AIR 1858, 1992 SCR (3) 658

The key reasons for this are that society expects girls to look after their siblings when they are at serve, work with their parents as temporary labor during the farming season, and manage domestic chores while their parents are working; parents are more interested in boys education than girls education because they believe that girls will be married off, instead of letting them study. There is no clause in the RTE excluding children from doing housework or farm work. As a result, universal primary education in India remains a distant vision for women.

Critique views:

- The RTE neglected to recognize, and therefore resolve, the most pressing explanation why Indian girls are unable to attend school: housework, which is still considered as a feminine job.
- Over the past decade, education has become a privilege, but Indian girls are only just now starting to demand their share and still have a long way to go.

VI. HEALTH AND HYGIENE

Mostly during the current pandemic in India, women, especially schoolgirls, face the difficult task of preserving their sanitation facilities' health. In 2018, the Government of India unveiled the 'Ujjwala Sanitary Napkin' project, which will provide low-cost sanitary pads to women. Small retail machines were built in public schools that provide free sanitary pads to female students. What's more alarming is that sanitary napkin manufacturing has been severely limited as a result of the ongoing lockdowns and travel bans in states like Jharkhand and Maharashtra. Except in the most populated cities, the distribution of menstrual hygiene supplies, which includes portable and reusable sanitary pads, is extremely variable, and distribution in rural areas far from major supply centers is almost non-existent. Owing to the shortage of public transportation and mobility limits imposed by the lockdown, and also the inflated costs induced by stocking and black advertisements, many women who can really afford the pads at regular prices are unable to obtain them.

In India, menstrual hygiene education has been considered taboo. It is daunting for women to publicly request sanitary items from a male family member. Women are relegated to their homes, particularly in rural areas, and must rely on male or elderly female members of the household to obtain sanitary products.

The Pandemic has wreaked havoc on the menstrual health of the majority of Rural girls and males, and the future looks bleak. As a result, the state should emphasize menstrual wellbeing,

include it in humanitarian aid policies, accept it as a right granted by the Indian Constitution, and press for its successful implementation.

Critique view:

- Still talking out loud about menstruation is considered to be taboo, it's grinded down into our mentality that it's something shameful to talk about.
- Rural area women should be educated about menstrual hygiene.

VII. SEX WORKERS AND TRAFFICKING

Sex works and trafficking are the practices which India witnessed since ages. This age-old practice has been considered and taken from the “Devadasi” system. This continued from mythology saga to British era and is still prevailing in India. There are two prime causes that pushed such women to indulge in such sex related activities. Firstly, poverty that compelled women of remote areas to take up such work and secondly, unemployment that forces them to do anything only for the sake to earn money and sustain their family for livelihood. The women belonging to rural areas fall prey to crooked intermediaries assuring them with decent job opportunities. It is sad to realise that in the hope of such promises, they are sold in the market as sex workers. The helplessness of a woman has made them desperate to resort to any illegal activities, just to generate income.

Not only major girls but also minor girls are exploited by way of sex trafficking whereby the such females are exploited, sold and exported to foreign countries.¹³ These activities are carried out only to earn huge money within few hours. Women had been the easy target of such exploitation and have been misused mercilessly only for commercial purpose. They have every right to lead a life of their own even if they are engaged in sex works. They have been conferred the right to Life under the Golden provision of Article 21 of the Indian Constitution, 1950.¹⁴ In the Case of Vishal Jeet v. UOI, the Apex Court observed that despite the presence of legal framework, the need for stringent regulation has always been felt. Severe actions must be taken against brokers, owners of brothels and pimps in order to deal with such critical issues.¹⁵

Critique Views

- Sex workers have faced a lot of hardships, including brutal treatment from cops, violence from clients and societal as well as family banishment.

¹³Gaurav Jain v. Union of India, AIR 1997 SC 3021

¹⁴Budhadev Karmaskar v. State of West Bengal, Criminal Appeal No. 135 of 2010 in the Supreme Court of India

¹⁵ Vishal Jeet v. UOI, 1990 AIR 1412.

- It is high time to understand the core of this exploitation faced by sex workers and to bring this challenge to the forefront.
- The legal regulations and policies must be reformed in order to regulate and control such activities in our society.

VIII. LEGAL AID TO WOMEN

Restricted and unequal access to justice for women is a dynamic societal problem arising from a number of differences at the legislative, political, systemic, financial, and cultural levels. Providing women of any and all communities with access to equitable, accessible, accountable, and reliable remedies is essential to ensuring that everyone should have the same rights.

The National Legal Services Authority assists programs in India. In addition to establishing protocols for legal assistance, these organizations are required by statute to hold legal literacy awareness camps. They're also required to set up Lok Adalat, or people's tribunals, in each district to facilitate dispute resolution through mediation, conciliation, and out-of-court mediation. The Centre provides funding to the National Legal Services Authority, which redistributes the resources to the government authorities under it and their respective agencies on an annual basis. The amount disbursed by the national authority increased from Rs 17 crore in 2009-2010 to Rs 110 crore in 2016-2017.

In modern India, the 'women's court' (mahila adalat or mahila mandal) is a relatively new yet growing phenomena. It allows women to handle domestic disputes informally rather than using the state's legal system. The majority of women's courts are operated by non-governmental organizations (NGOs), with funding from international donors or, in some cases, government or semi-governmental organizations such as State Women's Commissions or Legal Aid Societies.

Critique view

- Various instruments in the international framework for the protection of civilians, as well as other similar regional treaties, ensure the right of access to trial. Yet, women face issues.
- Women's courts are simply a form of "alternate solution dispute settlement" venue, but, unlike formal tribunals created by the government underneath the Arbitration Act, their "decisions" are neither recognised by the state-sponsored judiciary system nor backed by state power.

IX. CYBER CRIME

Women, especially women of specific faiths, racial or cultural backgrounds, sexual identity, economic class, and with disabilities, are overwhelmingly subjected to different types of online violence in various regions of the globe. Amnesty International (2017) found that one-fourth of the 4,000 women polled in the had at least once encountered some kind of online bullying (e.g., cyberharassment). Furthermore, 41% of women who were subjected to online violence and bullying feared for their physical safety as a result of the violence and bullying (Amnesty International, 2017). Via dating, social networks, and other online outlets, as well as chat rooms and instant messaging sites, women have received threatening comments, threats of abuse, and sexually explicit messages, texts, photographs, and videos.

Women and girls have been threatened with sexual and physical abuse, as well as racist, misogynistic, derogatory, and prejudicial messages, both of which have been conveyed to them through ICT, creating a toxic atmosphere for them online. Women all over the world have been exposed to unwelcome “particularly explicit remarks and visual pornography that dehumanize” online sexual abuse in addition to sexual identity harassment. Cyberflashing is one example, in which women are harassed, offended, and/or alarmed by receiving unsolicited pornographic photographs.

In the case of *Dr. L. Prakash v. Superintendent*¹⁶, the suspect of this case was an orthopedic surgeon who coerced women to commit lewd acts and then uploaded and sold the recordings as adult film materials around the world. He was prosecuted under the IPC's Sections 506, 367, and 120-B, as well as the Information Technology Act of 2000's Section 67. Underneath the Immoral Trafficking Act, he was convicted to life in jail and a monetary fine of Rupees 1,25,000.

Attitudes, convictions, and morals are some of the most important obstacles to avoiding cyber-crime and brutality. Sadly, many people also have views that victims blame relational cybercrime and downplay the damage they do.

Critique views

- In India, courts, especially the higher judiciary, have frequently played a key role not only in bringing a more progressive spin on the law, but also filling in the holes in the legal landscape.

¹⁶ *Dr. L. Prakash v. Superintendent Madras High Court, W.P. 7313, 2002*

X. GENDER EQUALITY

Women have fewer economic rights than men, have far less exposure to education and higher education, face greater health & wellbeing threats, and have less government influence internationally. Women's interests must be secured and resources offered to them to fulfill their full potential, not just to achieve gender equality, and also to meet a number of international development targets.

Women and girls who are empowered add to the welfare and productivity of their households, populations, and nations, benefiting all. The term gender refers to the socially assigned roles and duties that the sexes are given in society. Gender equity refers to men and women having equal power and opportunities in terms of financial freedom, schooling, and personal development. The liberation of women is a crucial component of ensuring gender equality. It entails enhancing a woman's sense of independence, decision-making autonomy, access to resources and wealth, power and authority over her own life both within and outside the household, and capacity to affect change. Gender questions, on the other hand, are concerned with the bond between men and women in society, rather than with women alone. Men's and boys' behavior and behaviors are important towards promoting gender equality.

The Indian Lawyers Association petitioned the Supreme Court in 2006 to revoke Sabarimala Temple's tradition of banning women aged 10 to 50. In 2018, the Supreme Court heard the appeal and ruled it unconstitutional. The tradition was put to the test against female worshippers' constitutional right to religious Women's absence from the temple was declared a violation of their fundamental rights of women of the freedom to worship.

S. 377 of the Indian Penal Code, 1860, scroll down the marital rape exception for the Independent Thought v. Union of India¹⁷. When faced with gender equality arguments against other constitutional freedoms, such as the right to worship, the Court, but on the other hand, has declined to resolve the question. Triple Talaq was ruled illegal in Shayara Bano v. Union of India¹⁸ because it was based on religion rather than gender equality.

Critique views

- Various instruments in the international framework for the protection of civilians, as well as other similar regional treaties, ensure the right of access to trial. Yet, women face gender inequality issues.

¹⁷ Independent Thought v. Union of India W.P. (civil) No. 382 of 2013

¹⁸ Shayara Bano v. Union of India 1985 (1) SCALE 767 = 1985 (3) SCR 844 = 1985 (2) SCC 556 = AIR 1985 SC 945

- Everyone should be treated equally before the law.

XI. GIRL CHILD HARASSMENT

The girl child is particularly vulnerable to global abuse. Despite the fact that universal legal instruments have been in force to protect the girl child for decades, thousands of barbaric acts of abuse and neglect aimed directly at girls can be found on a regular basis all over the world. Girls who have scarcely reached puberty have been coerced into marriage for decades, sometimes with men who are several years their senior. A girl child cannot lawfully give her permission to enter into such a relationship because she is a minor. They had been used for genital mutilation procedures. They are exchanged, bought, and sold as goods around national boundaries, either to be used as prostitutes or slaves or simply to be resold for a profit. Many girls are abused even before they are born, as maternal sex selection and sex-based abortion have become more common thanks to advances in technology and increased access to medicine. In the workplaces and in classrooms, girls continue to be subjected to sexual assault and bullying. For chatting to strangers or making such small transgressions, their existence may be taken for the “honor” of their families. In times of conflict and humanitarian crisis, violence against girls has become a strong but all strategy.

Every globe has violence against girls, committed by every cultural - financial class and approved to different degrees by every system of government, every religious group, and every type of communal or familial framework. There is no utter safe haven for the girl child; only stricter legal frameworks and more extensive non-governmental support are promised.

Critique view

- Every region has violence against girls, committed by every cultural - financial class and approved to different degrees by every system of government, every religious group, and every kind of cultural or familial framework.
- There is no utter safe haven for the girl child; only stricter legal frameworks and more extensive non-governmental support are promised.

XII. WORK PLACE HARASSMENT

History has been a witness of ‘workplace harassment’ as one typical gender-based harassment which posed to be a global conundrum. The problematic scene in workplace harassment is very serious and grave in nature. This practice has gained significance in the past few years. The female entrepreneurs face gender-oriented problems which act as hurdles while establishing and building their business.

This harassment can be in various forms like discrimination on the basis of gender, race, age, religion, ability, culture, representation and so on. These factors constitute the ideology that entrepreneurs, especially a female, are always treated less when compared to men. Such women entrepreneurs toil a lot and keep battling with such issues just for the sake of establishment, growth and flourish of their budding micro and small business.

India is land of controversies and hypocrisies which talks about equality, however, discrimination has several cases related to entrepreneur women and harassment at workplace. With a patriarchal mindset, females have always been underrated for their empowerment.

Our nation has witnessed this type of harassment in landmark case of Vishakha v. State of Rajasthan¹⁹ where the evils of sexual harassment at workplace was discussed at length. It was also highlighted in the case of Apparel Export Promotion Council v. A.K Chopra²⁰ where, an officer in a superior post sexually harasses his junior female employee. The Hon'ble Supreme Court in this case held that, sexual harassment doesn't necessarily mean physical contact. Similarly, in the case of Jaya Kodate v. Rashtrasant Tukdoji Maharaj Nagpur University, the Apex Court stated that safety of women at the workplace remains the most sensitive issue and employers should be very careful in dealing with it.

Critique Views

- It is necessary that complaints by women pertaining to harassment at the workplace must be redressed.
- The apparent plight of entrepreneur women at workplace can be seen through apparent failure of legal enforcements like Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Prevention of Sexual Harassment Act and so on.
- They must be made aware of their rights instead of conciliating or negotiating the matter by way of monetary settlement.

XIII. REPRODUCTIVE RIGHTS

Indian Judiciary has witnessed several notable cases pertaining to women and their reproductive rights. Our Country has formulated several legal frameworks which guarantee every female the access to contraception and abortion in order to enjoy their reproductive rights. The Reproductive rights are recognised not only as a Fundamental Right but also a

¹⁹ Vishakha v. State of Rajasthan (1997) 6 SCC 241

²⁰ Apparel Export Promotion Council v. A.K Chopra AIR 1999 SC 625

regular Human Right of every female. The rise in the number of cases is the evidence to realise the bridge between Rights conferred to women and its implications on their lives. The Court of law has laid down several landmark judgments where it is observed that women are given a couple of inalienable rights which includes the Right to Health and Right to reproduction.²¹ Every female has the right to avail and get minimum treatment and standard care at public health centres. No pregnant woman should be refused medical facility during any stage of her pregnancy regardless of her socio-economic background.²² The Government is under obligation to make sure that every woman survives pregnancy and childbirth without the infringement of Right to Life guaranteed under Article 21 of the Indian Constitution.²³

It is always seen that a male interferes in the decision of women related to pregnancy.²⁴ But it should be the final call of a lady to exercise her personal rights related to carrying out pregnancy or terminate it.²⁵ The debatable issues of such problem are dealt under several factors, for instance child marriage, education, gender inequality, poverty and so on.²⁶ Every woman should be made aware of their rights and the effects on their lives which compel them to seek the Right to a dignified life.²⁷

Critique Views:

- It is critical for men to understand that women are competent enough to decide and exercise their reproductive rights.
- Interference of men and every other family member in the decision of women without considering her health or her choice is highly criticised.
- Women must be educated to make decisions for themselves.

XIV. SUGGESTIONS

The fundamental reason for this paper is to procure comprehension of basic issues, rights, and criticism of the existing scenario in regard to women. The fundamental explanation for women being devoid of equal status in society is due to the fact that privileges of women have been sabotaged due to the presence of the male centric culture or a pure patriarchal society. No doubt

²¹ Laxmi Mandal v. Deen Dayal Harinagar Hospital & Ors., s, W.P. (C) No. 8853/2008

²² Jaitun v. Maternity Home, MCD, Jangpura & Ors., W.P. (C) 8853/2008 & 10700/2009, Delhi High Court (2010).

²³ Sandesh Bansal v. Union of India, W.P. (C) 9061/2008

²⁴ Suchita Srivastava & Anr v. Chandigarh Administration, (2009) 11 S.C.C. 409

²⁵ Ghosh v. Ghosh (2007) 2004 S.C. 151

²⁶ Lajja Devi v. State, W.P. (CRL) No. 338 (2008) (High Court of Delhi).

²⁷ Association for Social Justice & Research v. Union of India & Others, W.P. (CRL) No. 535/2010, Delhi H.C. (2010)

that with time females have come a long way, but it isn't the case everywhere, or it's not the case as it seems to heal. The wounds are still present, especially in the rural areas where there is more injustice being served at the ends of the female community. The major drawback behind this is the reason for inadequate knowledge. There is absence of legal awareness amongst the females of the marginalised community, and this is the main work on which all the state and governmental machineries, also the common public have to work.

The main ways of generating legal awareness in India, and also in outside places is by making women understand their rights and the consequences of violation of such rights by the other people.

Using social media platforms to make the female community understand about their rights. This can be done through various ways like viral marketing, which is really common these days. Making a meme and circulating takes no time, and similarly doing it in a positive manner, like encouraging and promoting legal awareness by way of making impactful posts and videos. Also, at the same time it is really important to take strict actions which result in discouraging moral values of women.

Various legal awareness drives are to be performed, and one more extra suggested way that can be carved out will be seeking and establishing governmental help, for local causes or for creating local awareness drives. This way, women can be a part of such drives and can also simultaneously empower other women. For example, in a particular case, i.e in the case of the State of Maharashtra versus Manbhai Pragaji Vashi, it was held by the apex court that in order to give free legal awareness, India has to have efficient lawyers and attorneys, for which we need an adequate number of graduate colleges in law or the legal institutions, along with good and efficient instructors in the same.²⁸ This specific decision shows that there ought to be a discrete budgetary arrangement or provision for improving legal education and also not forgetting the quality of legal education.

In the male predominant society, inclination has always been given to the males, there were practices of female foeticide and female child murder. Females were considered as liabilities, and the males of the society were respected to be the resources or the prime assets. Females are still believed to degrade pride and resources of their families, whereas the males are considered to promote the same pride of the families. Thus, since the inception, the obligations of the females are restricted to performing of the family errands, reproduction and to caring for the people around them. At a lot of places, things are advancing, and at other places situations are

²⁸ State of Maharashtra versus Manbhai Pragaji Vashi (1995) 5 SCC 730

rather more degrading, as can be seen from the above issues of domestic violence, cyber-crimes, gender inequality, etc. So the root cause stays at the point of educating people or informing people about the basic notion of 'Equality', and the ways to attain the same.

XV. CONCLUSION

Racial equity provisions exist in more than 130 of the 143 nations, 142 of which give equal land ownership rights to men and women, and 129 of which prohibit women from being fired while pregnant. When women have children, almost all nations have some kind of parental leave, and females in 116 countries have the same inheritance rights as sons. Yet, the international world also has a long way to go in terms of promoting gender equality, but it is dedicated to doing so. We need to encourage National Governments to use the General Assembly's convening authority to combat challenges to society. Women have faced oppression and suffering for decades. It must be assured that no woman is compelled to defend her existence or that her job is undervalued. Women all over the world should regain their voices, be free of violence, and feel safe to be themselves.

The prospect of women's rights around the world is in jeopardy. This is the time to re-energize existing campaigns and concentrate on expanding women's organizations and help drive the fight toward social justice on today's most urgent issues. True equality can only happen until women and girls have full access to justice, which includes everything from fair pay and ownership of land to reproductive justice, freedom from abuse, access to education, and maternal health services. Women would only be able to change economies and nations until they have assumed leadership and peace making positions and have an equal public representation. And then would both women and girls be free to assert their right to self-determination.

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