



Research Paper

Struggles For Dignity: Women's Human Rights in India

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Abstract

Human rights are the fundamental entitlements of every individual, regardless of gender. The Constitution of India upholds the principle of equality and guarantees equal rights to both men and women. Despite these constitutional safeguards, a significant gap remains between the rights granted to women in theory and the reality they experience in practice. In the Indian context, women's human rights continue to be violated on multiple fronts, and the societal framework often fails to support their dignity and security.

This paper aims to explore the status of women's human rights in India and critically analyze the gap between legal provisions and ground realities. It will delve into various forms of crimes committed against women and examine the underlying cultural, social, factors that perpetuate these violations. By highlighting these issues, the paper seeks to contribute to a deeper understanding of the challenges faced by Indian women and to advocate for stronger measures to ensure the protection and promotion of their rights in both law and everyday life.

Keywords: women, violation, discrimination, education, crime.

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I. INTRODUCTION

Human right are the fundamental right for every one either male or female. The constitution of India also guarantees the equality of rights of men and women. However, in context of women's human rights in India, there exists a wide differences what actually is in theory and in practically. As we know that our Indian society is a male dominated society where men are always assumed to be superior to society as compared to women. The women in India have to face discrimination, injustice and dishonor, disrespect within the so called 'society'. Though women in India have been given more rights as compared to men, even then the condition of women in India is miserable.

Human rights are the fundamental entitlements of every individual, regardless of gender. The Constitution of India upholds the principle of equality and guarantees equal rights to both men and women. Despite these constitutional safeguards, a significant gap remains between the rights granted to women in theory and the reality they experience in practice. In the Indian context, women's human rights continue to be violated on multiple fronts, and the societal framework often fails to support their dignity and security.

India's social structure is predominantly patriarchal, where men are generally regarded as superior to women. This deeply entrenched mindset has contributed to widespread discrimination, marginalization, and injustice faced by women in various spheres of life. From birth to old age, many women in India are subjected to unequal treatment, restricted opportunities, and a lack of autonomy. While legal frameworks and government initiatives aim to empower women by providing rights and protection—sometimes even offering more favorable provisions than those extended to men—the practical situation remains dire for many.

Indian women continue to struggle against systemic inequalities and social prejudices. They often face challenges such as domestic violence, sexual harassment, dowry-related abuses, trafficking, honor killings, and workplace discrimination. These violations not only strip them of their basic human rights but also hinder their ability to live with dignity and freedom. In rural areas and marginalized communities, the condition is even more alarming due to illiteracy, poverty, and limited access to legal and social resources.

The term 'women right' basically refers to freedom which inherently possessed by women and girl'schild including all ages, which might be institutionalized, suppressed by law, custom and behavior in a

particular society. Men and Women had same right over certain things as men possess, then why women's right are limited. universally also it is claimed that all human beings on this earth are equal irrespective of their caste, creed, religion etc. well different statutory provisions are formulated and enacted obviously to safeguard the weaker section of the society. And it is shocking that our womenfolk basically come under weaker section. Means our half population are not aware about their fundamental and legal rights. The thing is that they are not properly educated, they not been given ant proper teaching to how use their rights. Making laws is not enough, but the right thing is that one should its proper use at proper time.

Basically, all these are books talks, but the thing is that our female counterparts are still lagging behind in major things. The low status of women in our society proves that the parents still want to son their child by which they did not pay attention towards their female children. By they had to face a lot of discrimination in society and sometime in home also. Somehow the status of women is same, yes by the passage of time certain things are changed but there is a lot to be achieved. Well in the ancient time their right was not considered there right. With the advent of social evils like sati system, child marriages, female infanticide, bad conditions of widowhood and several more things are there which hamper their social status in the society. Later on with the help of social reformer there condition goes somewhat in better position as from earlier life. They boosted their status in the society and make them aware about their fundamental rights.

CONSTITUTIONAL SAFEGUARDS FOR WOMEN'S RIGHTS

The constitution of India has granted equal rights to the men and women. India's legal framework guarantees several constitutional provisions for women.

As Indian Constitution guarantees justice, liberty, and equality to all the citizens of India. In spite of this we will find a lot discrimination, injustice towards them. Different kinds of laws were made against them. Article 12 imply that state parties shall take all appropriate measures to eliminate discrimination against women in the field of health. Article 13 includes that the state shall take all appropriate measures to remove discrimination against women in the field of economic and social life as to ensure equality. Article 14 states that State shall not deny to any person equality before the law. Article 15 ensure that there should be no discrimination on grounds of religion, race, caste, sex. Article 17 prohibits the practices of untouchability. Though the articles contained in the constitution meant for the equality for all and non – discrimination on the grounds of sex, women is always discriminated and dishonored in Indian society. Although various efforts have been taken to improve the status of women in India, the constitutional dream of gender equality is still very miles away from becoming a reality.

Basically, there is a need to discuss the rights of the women separately because women counter parts represent more than half the population of India, then also yet she is discriminated and violated in every grounds of her life. They are violated in the ancient time also as well as today also. In fact in our daily newspaper we will hear news about the crime against them.

FUNDAMENTAL HUMAN RIGHTS GUARANTEED TO WOMEN IN INDIA

The Constitution of India is a progressive document that upholds the principle of equality and dignity for all citizens, regardless of gender. Women, as equal members of society, are entitled to a range of fundamental human rights enshrined in the Constitution and supported by various national and international legal instruments. The constitution of India has granted equal rights to the men and women. India's legal framework guarantees several constitutional provisions for women.

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These several rights aim to protect women from discrimination, ensure their personal liberty, and promote their full participation in social, political, and economic life.

1. Right to Equality (Article 14):

This article guarantees equality before the law and equal protection of the laws to all individuals. It is a cornerstone of gender justice, ensuring that women are not discriminated against based on sex.

2. Prohibition of Discrimination (Article 15):

Article 15 explicitly prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth.

3. Equality of Opportunity (Article 16):

This ensures equal opportunity in matters of public employment. It prevents gender-based discrimination in recruitment and conditions of employment in government services.

4. Right to Life and Personal Liberty (Article 21):

One of the most expansive rights, Article 21 guarantees the right to life with dignity. It has been judicially interpreted to include rights to health, privacy, education, reproductive choices, and protection from sexual harassment and violence.

5. Right Against Exploitation (Articles 23 & 24):

These provisions prohibit human trafficking and forced labor. They are vital in protecting women from sexual exploitation, child labor, and bonded labor, all of which disproportionately affect women.

6. Directive Principles and Gender Justice:

Though non-justiciable, the Directive Principles of State Policy (Part IV) guide the state to ensure equal pay for equal work (Article 39), promote the health and strength of women (Article 42), and provide maternity relief.

7. Reservation in Local Bodies (Article 243D & 243T):

These constitutional provisions mandate the reservation of one-third of seats for women in Panchayats and Municipalities, promoting political participation and leadership.

8. Legal Protections and Personal Laws:

While the Constitution provides the framework, several laws operationalize these rights. For instance, the Protection of Women from Domestic Violence Act, 2005; the Sexual Harassment of Women at Workplace Act, 2013; and the Equal Remuneration Act, 1976, all aim to safeguard women's rights in practical contexts.

9. International Commitments:

India is a signatory to key international treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which reinforces its constitutional commitment to gender equality. Despite these robust guarantees, the lived experiences of many women in India reveal a persistent gap between rights in law and rights in practice. Structural barriers, patriarchal norms, and weak law enforcement often prevent women from enjoying their fundamental rights fully. Therefore, while the Constitution lays a strong foundation for gender justice, continuous societal and institutional efforts are needed to ensure these rights translate into real empowerment. Well, over all our Constitution plays a very important role in safe guarding different rights related to women.

- ☐ Right to equality towards everything.
- ☐ Right to education.
- ☐ Right to live with respect.
- ☐ Right to political empowered.
- ☐ Right to have property in parental property.
- ☐ Right to equal opportunity for employment as men.
- ☐ Right to choose profession according to their choice.
- ☐ Right to get equal wages for equal work.
- ☐ Right to have protection from gender discrimination.
- ☐ Right to protection of health.

DIFFERENT KINDS OF VIOLATION OF WOMEN HUMAN RIGHTS IN INDIA

It has been again and again said that in this 21st century women of India are enjoying the rights as equal to men. But in reality, the image is that the women in India have been the sufferers from past. It is right that we entered in new era but from earlier times women was facing discrimination, injustice and dishonor. Let us now discuss the various crimes done against the women in spite of being given rights equal as compared to men. Well, these points will explain that continuation of violation of human rights of women in India.

Violation of women human rights in colonial time period:

The following crimes were done against the women in the past times:

- 1) **Sati**: Sati is an old custom in Indian society in which widows were immolated alive on her husband's funeral pyre. Definitely, this one is from ancient time period, but even today this is practised in some of the villages of Rajasthan.
- 2) **Purdah**: It bounds their right to interact and to move freely in the society and it is a symbol of the subordination of women.
- 3) **Devadasis**: Devadasis was a religious practice in some parts of southern India, in which women were married to a deity or temple. Basically, women were forcefully bound to do these practices.
- 4) **Female Infanticide**: one of the oldest crime against women and small girl child. This was practised in different regions of India especially in United Provinces and in many provinces of Rajasthan, Bengal and many more.

VIOLATION OF WOMAN HUMAN RIGHTS

- 1) **Violation of Right to Equality**: The World Human Rights Conference in Vienna first recognized gender – based violence as a human rights violation in 1993. The same was declared by United Nations Declaration in

1993. Basically, women subjected to different kinds of discrimination on several grounds. They do not possess equality in society as men do. Women even today was considered as unwanted child in the family.

2) **Violation of Right to Education:** education can bring a new light of hope in anybody's life. Education act as milestone in terms of any individuals then also women were deprived from this right. They can be only use their different laws in their defence when only they are educated. Then only this can be fruitful to their life. Due to the less percentage of uneducated women in India, are deprived from their fundamental rights and would never fight for them. Nobody can ignore the importance education in everyone's life.

3) **Violation of Right to Property:** Generally, in most of the Indian families, women do not possess equal amount of property on their own names and do not get share of parental property.

4) **Violation of Right to Live with respect and full dignity:** sexual harassment of different kinds is an act of terror that violates a woman's body, life and self – respect. It is one of the terrific way through which a woman is systematically made to feel inferior, weak and afraid. Due to which they don't feel free to move in this cruel society. Thus, eve teasing denies a woman's fundamental right to move freely and carry herself with dignity.

5) **Child Marriage, Domestic Violence, Rape, Dowry Harassment and Bride Burning** are the certain examples of the different kinds of violation of fundamental right of women.

II. CONCLUSION

Well, all these different kinds of evils as mention above in the paper many more kinds of it raise the question that how these rights were given to them and how they are helping to them.

Actually, the whole situation arises because they are always looked as depressed one, whom can't do anything of their own wish. Every day our women suffered a lot because of these different crimes. In what kind of they securing their future without being unknown to the different rights. Firstly, and foremost we have to education our women, girls then only they can use their certain right against them. Then only they understand the benefits of making different laws which are only them. Well I will end my paper by quoting famous quote... "I raise up my own voice – not so that I can shout, but so that those without a voice can be heard. We cannot all succeed when half of us are held back." – *Malala Yousafzai*.

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