



ANALYSED CONDITION OF HUMAN RIGHTS WITH SPECIAL REFERENCE TO WOMEN

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ABSTRACT

It is possible to define human rights as the minimum set of rights that are both equal and inalienable, and that must be obtained by every human in order to be considered a member of the global human community. This is true regardless of a person's gender, ethnicity, language, race, religion, nationality, or any other basis. Despite the fact that the Constitution of India recognizes these rights in the form of different basic rights and promises that men and women have equal rights free from any discrimination, the real status of women's human rights in India cannot be described as adequate. Because of the current composition of Indian society and the customs that are widely practiced within it, there is a significant disconnect between the de facto and the de jure conditions. Because India has a patriarchal culture, where males predominate and are constantly viewed as superior to their female counterparts, the situation of Indian women is not as favourable as the situation of Indian men. This is why the condition of Indian women is not as excellent as men's. In every aspect of their lives, they are subjected to inequality, unfairness, and dishonour due to the fact that they are women. Despite the fact that the Constitution of India does make some specific provisions for the empowerment and general advancement of women, the situation of women in India is still quite dismal. The reason for this is that the vast majority of Indian women are unaware of their rights, and as a consequence, they are forced to deal with various forms of discrimination, harassment, and exploitation.

keywords Human Rights , Women

INTRODUCTION

Fundamental human rights and principles upheld by the United Nations include the elimination of all types of discrimination against women and the achievement of equality between men and women in all aspects of society. Despite this, women in many parts of the globe are subjected to abuses of their human rights on a consistent basis throughout their lifetimes, and the achievement of women's human rights has not always been a top priority. A comprehensive understanding of the ways in which women experience discrimination and are denied equality is required in order to develop appropriate strategies for eliminating such discrimination as part of the process of bringing about equality between men and women. This is necessary in order to realize the goal of achieving parity between the sexes. The United Nations has a long history of addressing issues pertaining to the human rights of women, and significant strides have been achieved in the protection of women's rights all over the world in the last few decades. Despite this, there are still significant inequalities, and the reality of women's lives is always shifting, with new forms of discrimination against them appearing on a regular basis. Some groups of women are subjected to various types of discrimination

for a variety of reasons, including but not limited to their age, ethnicity, nationality, religion, health status, marital status, education level, handicap, and socio-economic position. When formulating strategies and actions to combat discrimination against women, it is necessary to take into consideration the many types of discrimination that overlap with one another. This Paper serves as an introduction to women's human rights, beginning with the most important clauses in international human rights legislation and continuing on to clarify especially crucial principles for gaining a comprehensive grasp of women's human rights. In conclusion, certain aspects of women's human rights are investigated, together with information on the primary activities carried out by human rights mechanisms at the United Nations and other organisations working in this field. The purpose of the Paper is to provide a fundamental knowledge of the human rights of women in general.

WOMEN'S HUMAN RIGHTS IN INDIA

The Constitution of India, which was ratified in 1949, has a number of articles that incorporate the idea of equality and non-discrimination on the basis of sex. These articles may be found throughout the document. The Constitution recognizes human rights in the form of many fundamental rights and provides that men and women have equal rights without any exceptions. The Protection of Human Rights Act was also adopted by the Parliament of India in the year 1993. The National Human Rights Commission was founded as a result of the provisions outlined in the statute. In the event that their human rights have been violated in any way, women who have been wronged can file complaints with the National Human Rights Commission. Even though the majority of women in India still aren't aware of their legal entitlements, including the right to equal treatment, the right to property, the right to work, and maintenance, they continue to be subjected to sexual assault, economic exploitation, and other forms of injustice. The status of Indian women has undergone significant changes in recent years due to the rise in the country's literacy rate, which has given them a greater sense of independence and increased their awareness of their rights. After the Nirbhaya Case in 2012, several adjustments have been made to the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act in order to ensure that women are protected and to secure their rights. These revisions may be found in all three of these laws. In addition, a number of laws that focus specifically on women's issues have been passed in order to safeguard the fundamental civil liberties of women. These types of laws establish the penalties that are to be imposed on those who breach the socially accepted norms of human behaviour and go beyond the bounds of the law in order to assault women or their dignity. Women are afforded the following human rights in the form of legal rights as a consequence of the provisions of these laws.

A. Women's Human Rights under Constitutional Framework: The Indian Constitution is the highest and most authoritative legislation in India; the provisions of the Constitution are the source of authority for all other laws. "Justice" is social, economic, and political justice. "Liberty" is freedom of thought, expression, belief, faith, and worship. "Equality" is equality of status and opportunity.....and dignity of the individual and the integrity of the nation." These are the rights that the Indian constitution guarantees to all of India's citizens. The preamble of the Indian Constitution contains such wordings, which ensure that the fundamental human rights of all people, including men and women, are protected. The Indian constitution is well-known for its commitment to the principle that men and women should be treated on an equal footing. Nevertheless, in accordance with the requirements of the constitution and from the point of view of women's human rights, a unique safeguard has been established for the protection of women.

1. Right to Equality under Article 14: Article 1 of the Universal Declaration of Human Rights states that all human beings are born free and equal in dignity and rights, and article 7 of the same document ensures that everyone is treated equally before the law. The state cannot deny any individual equality before the law or the equal protection of laws inside the country. Because of this Article 14 of the Indian Constitution guarantees equality before law and the status of women is the same as the position of males in the eyes of the law. This is because the constitutional framework that governs India mandates that it must do so.

2. Right against Discrimination: Article 2 of the Universal Declaration of Human Rights guarantees that no individual will be subject to discrimination of any kind. Equal protection against discrimination is another topic covered in Article 7 of the constitution. It is illegal for any authority within the Indian government to treat Indian citizens differently on the basis of their gender. This is due to the fact that it is illegal for the state to discriminate against any citizen on the basis of only their religion, race, caste, sex, or place of birth, or any combination of these factors. 10 In addition, no citizen shall, on the sole basis of religion, race, caste, sex, place of birth, or any of them, be subject to any disability, liability, restriction, or condition with regard to: (a) Access to shops, public restriction, hotels, and places public entertainment or (b) The use of wells, tanks, bathing Ghats, roads, and places of public resort that are maintained wholly or partially out of funds provided by the state or that are dedicated to the use of the However, as an exception to the general rule against discrimination, clause 3 of the article allows the state to establish particular measures for women. These can be viewed as state-sanctioned affirmative action.

3. Right to Equal opportunity in Public Employment: There is equality of opportunity for all citizens, whether males or females, in matters relating to employment or appointment to any office under state, and no citizen can, on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them, be ineligible for or discriminated against in respect to any employment or office under state. This means that women are able to get equal opportunity when it comes to public employment. Nevertheless, the government has the power to establish guidelines for reservations.

4. Right to Freedom of Speech and Expression: Article 19 of the Universal Declaration of Human Rights states that everyone has the right to freedom of thought and expression. By using the right granted to them in Article 19 (1) (a) of the Indian Constitution, which ensures that all citizens have the right to freedom of speech and expression, Indian women are able to speak out on any issue that may impact them.

5. Right to work: In its article 23(1), the UDHR affirms that everyone has the right to work, the right to free choice of job, the right to reasonable and favourable working conditions, and the right to protection from unemployment. Women in India have the right to work thanks to article 19 (1) (g) of the Indian Constitution, which ensures that all people have the freedom to pursue any occupation, profession, or business of their choosing. The recognition of this right is part of the structure of the document.

6. Right to Life and Personal Liberty: Article 3 of the Universal Declaration of Human Rights acknowledges a person's inherent right to their own life, liberty, and security. Article 21 of the Indian Constitution guarantees that no person shall be deprived of his or her life or personal liberty except in accordance with the process that has been established by law. This constitutional guarantee ensures that all women and men in India have the right to live their lives according to their own preferences.

7. Right against Exploitation: Article 5 of the Universal Declaration of Human Rights provides protection against torture as well as other cruel, inhuman, or degrading treatment. Article 23 of the Indian Constitution

provides protection against human trafficking and bonded labour. This serves as a barrier for the protection of women and guarantees that they have the right to work. The Suppression of Immoral Trafficking in Women and Girls Act, 1956, which was later renamed the Immoral Trafficking (prevention) Act, 1956, was adopted by the Indian parliament with the intention of putting the ideas presented in this article into practice. The state is obligated, according to the Constitutional Scheme of Directive Principles of State Policy, to uphold the principle that women's rights should be respected in society. These are the articles that are pertinent to this discussion:

8. Right to Livelihood: According to Article 39 (a), every citizen, regardless of whether they are a man or a woman, has the same entitlement to basic means of subsistence. Article 23(3) of the UDHR, which states that everyone who works has the right to reasonable and favourable pay, has recognised this right as well.

9. Equal Pay for Equal Work: Article 39 (d) of the Indian Constitution mandates that the state must, in particular, direct its policy towards ensuring that there is equal pay for equal labour for both men and women. This provision applies to both the public sector and the private sector. In accordance with article 23(2) of the UDHR, this right is likewise guaranteed.

10. Right to Health: The Constitution of India guarantees in article 39 (e) that the state will, in particular, direct its policy towards securing that the health and strength of workers, men as well as women, and the tender age of children will not be abused, and that none of them will be forced by economic necessity to enter avocations that are unsuited to their age or strength. This protection applies to all workers, regardless of gender or age. In addition, everyone has the right to a quality of living that is sufficient for their health and well-being, as stated in paragraph one of Article 25 of the UDHR.

11. Equal Justice and Free Legal Aid: Those individuals who are unable to afford the costs of legal representation under Article 39A of the Constitution are eligible for financial help. Therefore, the state is obligated to ensure that the operation of the legal system advances justice, on the basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that the opportunities for securing justice are not denied to any citizen due to economic or other forms of disability.

12. Just and Human Conditions of Work and Maternity Relief: According to Article 42 of the Constitution, the state is obligated to take the necessary steps to ensure that workers are afforded reasonable and humane working conditions, as well as maternity respite.

13. Right of Constitutional Remedies: In the event that any of these fundamental rights are violated, the woman who was wronged has the ability to seek redress by moving the Supreme Court or the High Court and filing a writ petition under Article 32 or Article 226. However, there is no such mechanism available in the event that Directive Principles of State Policy are violated, as these are not enforceable by any court that has writ jurisdiction. The state has a responsibility to put such ideals into practise through the policies it enacts. As a result, the Directive Principles of State Policy place an ethical duty on the state to ensure that they are put into practise.

B. Women's Human Rights protected under various Legislations: there are various legislations in India which recognised women's human rights in form of their legal rights and provide protection to them. These laws are very important in order to ensure the overall empowerment of women.

1. Right to live with Dignity:In accordance with the provisions of article 51A (e), it is a constitutional requirement that every citizen of India abstain from engaging in activities that are disrespectful to the dignity of women. Article 21 reaffirms that every individual possesses the right to live a life that is honourable and full of dignity. Therefore, women too have such a right under which they can resist the activities that are detrimental to their sense of self-respect. Consequently, In violation of the provisions of the Indecent Representation of Women (Prohibition) Act, 1986, no woman may be depicted in an indecent manner in any publication, painting, written work, advertisement, or in any other medium. If this violation occurs, the perpetrator will be guilty of committing an offence under the terms of the law. Under Section 354 of the Indian Penal Code, 1860, a person has the right to file a complaint if another person tugs on their dupatta, sari, or any other part of their attire. She has the right to file a complaint under the Sexual Harassment of Women at Work Place (Prevention, Prohibition, and Redressal) Act in the event that the incident in question takes place at her place of employment. In cases of rape, a First Information Report can be filed under Section 376, in which the name and identity of the victim woman will be kept under secrecy and not to be disclosed. This is because, according to section 228-A of the Indian Penal Code, 1860, the disclosure of the identity of such aggrieved women is itself an offence that can result in a fine and/or imprisonment of up to two years.

2 Right to Use Earnings:Earned money belongs to the woman, and she should be able to spend it however she sees fit. In previous centuries, women only had the right to the property known as "Stridhan." However, with the passage of the Married Women's Right on Property Act in 1874, the definition of women's personal property was expanded to include the following: (a) earnings or salaries from business, profession, or service; (b) earnings from scientific, literary, or artistic skills; (c) savings from salary or capital gain; and (d) insurance policies held by women. All of these properties are considered part of their profits and can be employed by the ladies in any way that they want.

3. Right to own Property:Under section 14 of the Hindu Succession Act of 1956, Hindu women were granted absolute ownership of whatever assets they held. This was a landmark piece of legislation (1). In the case of Harak Singh v. Kailash Singh and Anr., the Supreme Court affirmed the validity of section 14(1). This Act largely eliminated reversionary rights while at the same time increasing the size of the little inheritance that was available to Hindu women. Therefore, Hindu women enjoy complete ownership rights to whatever possessions they have earned or received through gifts or bequests.

4. Right to Private Defence:A woman will, on many occasions, find herself in extremely precarious circumstances that put her in immediate danger of being assaulted. The law gives woman the authority to defend herself in the event that there is no one to save her or rescue her from such an assault, and this authority is referred to as the "Right to Private Defense." In ancient India, people had the right to protect themselves, and the concept of self-help formed the basis for the first rule of criminal law. At the present time, women have been granted this right in accordance with sections 96, 98, 100, 102, and 103 of the Indian criminal code, 1860. This right enables women to exercise their agency in the face of adversity.

5. Right against Discrimination in Employment:Everyone has the right to work according to Article 23 (1) of the UDHR, and they have the freedom to choose an occupation that provides them with equitable and favourable working circumstances. The Sex Discrimination Act of 1975 made it illegal in India for any employer, public or private, to discriminate against a person based on their sexual orientation or marital status. This legislation applies to all forms of work. The statute is applicable to each and every employee in both the public and private sectors. The Sex Discrimination Act of 1975 was passed into law to protect

women from being subjected to sexual discrimination. However, the provisions of the act are also applicable to men, with the exception of the provisions relating to pregnancy, which were added to the act so that they would only apply to women. In the event that someone is discriminated against due to their marital or sex status, a complaint can be filed by either a woman or a male. The statute provides protection not just for currently employed individuals but also for formerly employed individuals and job candidates. 15 In addition to this, the protections afforded to women by articles 14, 15, and 16 of the Constitution are also accessible to them in the event that the state engages in discriminatory behaviour.

6. Right to get Equal Pay:In Article 39(d) of the Constitution, the right to receive equal compensation for equal labour, which is recognised in Article 23(2) of the UDHR, is reaffirmed, and the state is obligated to create policies that promote equal employment opportunities for both men and women. In the 2016 case 'State of Madhya Pradesh v. PramodBharatiya,' the Supreme Court ruled that directive principles of state policy are not subject to judicial review. Despite this, Part IV and Part III of the Constitution are not intended to be mutually exclusive of one another. In point of fact, they complete one another in useful ways. Equal compensation for equal labour is a requirement that may be found in both Article 14 and clause (1) of Article 16 of the Constitution. In the case of D.S. Nakara v. Union of India¹⁷, the Supreme Court of India came to the conclusion that if Articles 14 and 15 of the Constitution are interpreted in conjunction with the Preamble of the Constitution and Article 39 (d), then equal pay for equal work is expressly declared by these provisions. In 1976, the government of the United Kingdom passed the Equal Remuneration Act, which made it illegal for employers to discriminate against female workers based on the conditions of their employment contracts. This was done in recognition of the fact that women had a right to receive equal pay. Therefore, the scope of the legislation encompasses more than only the terms and circumstances that are related to remuneration. An "equality clause" is required to be included in the employment contracts of all workers in accordance with the rules of this legislation. This ensures that no one may be treated less favourably on the basis of gender. If a female worker feels that she has been treated less favourably than a male worker in relation to any terms or circumstances of her employment contract, she has the right to file a claim under the Equal Remuneration Act.

7. Right to get Minimum Pay:Women, like everyone else, have the right under Article 23(3) of the Universal Declaration of Human Rights (UDHR) to receive equitable and favourable pay for their job. This remuneration should be sufficient to allow women to support themselves and their families with human dignity. At the national level, this entitlement was recognised in the Minimum Wages Act of 1948, which was passed into law to establish minimum pay rates for specific types of employment. Women who work in low-paying jobs have the right, according to the Minimum Wage Act, to receive minimum wage for the labour that they do.

8. Right against Sexual Harassment at Work Place:Sexual harassment is a significant issue for all working women, regardless of whether they are employed in the public or private sector, organised or unorganised business, or any combination of these. The vast majority of female workers are confronted with this issue at least once throughout the course of their careers. Some of the male equivalents have the misconception that their female colleagues lack self-respect and decency; as a result, they attempt to take advantage of them. To be deemed sexual harassment, actions such as inappropriately touching female coworkers against their will, displaying them pornographic content or literature, compelling them to do any indecent favours or for making sexual contact, etc., are all examples of inappropriate touching. The Supreme Court, in its landmark judgement known as "Vishakha and others v. State of Rajasthan and Others"¹⁹, published 12

recommendations and proclaimed them to be law under Article 142. This was done since, at the time, there was no legislation that had been specifically passed regarding the topic. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, was passed after a delay of 16 years with the intention of giving all women the ability to fight back against sexual harassment in the workplace. The statute requires all employers to establish an internal complaint committee for the purpose of redressing complaints of sexual harassment made by female workers. If the committee is not established, the employer faces a fine of up to Rs. 50,000 for violating the act. In addition to this, the Criminal Law (amendment) Act of 2013 broadened the application of Indian Penal Code Section 354, making it possible to prosecute individuals for sexual harassment in the workplace with a sentence ranging from one to three years in jail and/or a monetary punishment. Even if the contact or behaviour was undesired, a woman who feels wronged can make a complaint under section 354 of the Indian Penal Code.

9. Right of Maternity Benefit:For a woman to fulfil her biological obligation to produce children, she must stop working for a certain amount of time. During this time, she will need financial help not just to pay for her basic needs but also for any necessary medical care. Therefore, in order for working women to maintain their livelihoods and safeguard their health, the legislation provides them with maternity benefits. The Maternity Benefit Act of 1961 is a piece of legislation that controls the employment of female workers in specific businesses immediately before and after the birth of a child. It also provides these women with a maternity benefit as well as other advantages. The statute covers all industries, mines, and plantations, regardless of whether or not they are publicly owned. The jurisdiction of the state government may be expanded to include commercial, agricultural, industrial, or any other types of businesses. The statute makes it illegal for women to work for the first six weeks following the day of their delivery, abortion, or other medical procedure that ends their pregnancy.

10. Right to claim Maintenance:The right of a woman to receive maintenance from her husband is recognised in section 125 of the Code of Criminal Procedure, which was enacted in 1973. In addition, women have the right to receive support from their former husbands under Section 18 of the Hindu Adoption and Maintenance Act of 1956. Women have the ability to claim maintenance even if they are divorced or separated if they utilise these provisions. In the case of *BhagwanDutt v. Kamla Devi and Anr*²¹, the Supreme Court declared that women are allowed to file claims for maintenance if the money they receive each month is not adequate to meet their basic needs. In addition, the court made it clear that a woman does not need to be completely unable to support herself in order to qualify for maintenance under the words "Unable to sustain herself." In the event that she remarries or converts to a different faith, her right to maintenance will be severely curtailed. In the case of *Ajay Kumar v. Lata@Sharuti*, which was heard in 2019, the Supreme Court ruled that a widowed lady is allowed to file a support claim against her brother-in-law under the Protection of Women from Domestic Violence Act of 2005.

C. Other Legislations for the Protection of Women's Human Rights:The Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, which was passed in 1994, is a piece of legislation that prevents female foeticide and prohibits the use of pre-natal and pre-conception diagnostic techniques for the purpose of sex determination. This law was enacted to ensure that women are able to give birth without being subjected to any form of discrimination and to safeguard their right to life. The Immoral Traffic (Prevention) Act of 1956 was passed into law with the intention of putting an end to the practise of selling women and young girls into prostitution so that they might be exploited sexually. The Indian society has a significant problem with domestic violence. The Protection of Women from Domestic Violence Act, 2005

was approved by the Indian legislative in 2005 with the intention of protecting women from any and all types of domestic violence, including physical, mental, sexual, emotional, and verbal forms of abuse. Dowry was made illegal by the Dowry Prohibition Act of 1961, which makes it illegal to ask for or provide dowry at any point before, during, or after the wedding ceremony. The Commission of Sati (Prevention) Act of 1987 makes it illegal to engage in the practise of Sati as well as to glorify it. The Prohibition of Kid Marriage Act, which was passed in 2006, makes it illegal to marry a child and makes it a crime that may be punished. In this way, it safeguards women's independence and their ability to make their own decisions about who they will spend their lives with. The National Commission for Women Act of 1990 established a National Commission for Women, which is where women can send their complaints about the deprivation of their rights. Additionally, the commission reviews the framework for the protection of women and sends its periodic reports to the Central Government. Additionally, the Women's Commission offers financial assistance to women who are pursuing their legal rights in court.

METHODOLOGY OF THE STUDY

Questionnaire and interview method was used to collect the data.

SAMPLE

By random sampling, data was collected from 55 rural women. Data was collected from village Barpara in district Bongaigaon of Assam.

TOOL USED

The investigator created a self-constructed close ended and multiple-choice questionnaire as a tool for collecting the data. This questionnaire was made up by the investigator. The investigator conducted interviews with rural women in order to obtain their responses to the questions that were asked in the questionnaire.

STATISTICAL TECHNIQUE

The statistical methods that were applied to the examination of the data obtained included graphical representations, frequency analysis, and percentage breakdowns.

RESULTS

The following tabular structure, organised question-by-question, was utilised in the processing and interpretation of the data:

Tabularrepresentationofpersonal information

Table1:Age

Question	Respond	Frequency	Percentage
Age	25-35	22	40%
	35-45	27	49.09%
	45-55	6	10.90%

Table2:Maritalstatus

Question	Respond	Frequency	Percentage
MaritalStatus	Married	55	100%
	Unmarried	0	0%

Table3:Education

Question	Respond	Frequency	Percentage
Education	Upto 5	25	45.45%
	Upto 10	17	30.90%
	Upto 12	9	16.36%
	Graduation	4	7.27%

Table4:Religion

Question	Respond	Frequency	Percentage
	Hindu	49	89.09%
	Muslim	6	10.9%

Table1:Haveyouheardofwomen's humanrights?

Options	Response	Response(%age)
-Yes	39	70.90%
-No	16	29.09%
Total	55	100%

49 of the 55 respondents said that they were familiar with the phrase "Women's human rights," while the remaining 6 claimed ignorance on the topic.

Table2:Whetheryoufeequalinyourfamilyandsociety?

Options	Response	Response(%age)
-Yes	3	5.45%
-No	52	94.54%
Total	55	100%

The majority of those who participated in the survey expressed the view that they do not have an equal standing in both the family and society. They are not taken into consideration in any of the family's decisions in any way. Only three of the women surveyed reported that they believe they have equal standing in the household.

CONCLUSION

The results of the Census conducted in 2011 show that there are 940 females for every 1000 males; to put it another way, women make up 48% of India's overall population. Women fill very important roles in our lives

and contribute to the fullness of those roles by being our mothers, sisters, wives, and daughters. In spite of the fact that they are entitled to equality and respect in every aspect of life, women in India continue to have their human rights violated for a variety of reasons, the most significant of which are the indifference of society, the ignorance of families, and outmoded laws. Every family hopes to have a son since the male is going to be the heir to the family's property and no girl has ever been awarded rights to the family's inheritance. The dowry is one of the factors that contribute to the perception that girls are a burden. According to the respondent, although there are many non-governmental organisations (NGOs), policies and programmes implemented by state governments, and efforts made by the media by showing women-oriented programming, these things either do not work effectively or do not do enough to raise women's status in society. Only 16% of those who participated in the survey would like to have their next child be a female. To improve the position of women in society and inside the home, the government and non-governmental organisations (NGOs) should work to reach out to people on a more fundamental level.

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