

## **15. Human Rights of Women in India: Navigating Contemporary Challenges**

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### **Abstract:**

*The chapter explores the evolving landscape of women's human rights in India, focusing on the multifaceted challenges that hinder the realization of gender equality and justice in contemporary society. Despite significant legal and policy advancements, socio-economic, cultural, and systemic barriers continue to impede progress. The chapter begins with an overview of the historical milestones and the legal frameworks established under the Indian Constitution and international commitments, such as CEDAW.<sup>1</sup>*

*It critically examines contemporary challenges, including gender-based violence, economic disparities, limited access to justice, and inadequate health and educational opportunities. These issues are further compounded by intersectional factors such as caste, religion, and regional disparities, which deepen the marginalization of women in specific communities. Real-life case studies are presented to illustrate these challenges, highlighting the lived experiences of women across diverse socio-economic backgrounds.*

*The chapter also reviews governmental and non-governmental initiatives aimed at bridging these gaps, assessing their efficacy and limitations. It emphasizes the importance of fostering gender-sensitive legal reforms, promoting societal awareness, and leveraging technology to empower women. Recommendations are provided for addressing systemic barriers, including the need for inclusive policies, expedited judicial processes, and the cultivation of a culture of respect and equality.*

### **15.1 Women's Human Rights in India: An Overview:**

India's journey toward the realization of women's human rights has been both transformative and complex, marked by historical milestones and contemporary challenges. Women in India have long been subjected to systemic discrimination and socio-cultural barriers, yet their rights have been increasingly recognized and protected through constitutional, legal, and international frameworks. This section explores the evolution of women's human rights in India, focusing on the historical context and the existing gaps between legal provisions and societal realities.

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<sup>1</sup> National Human Rights Commission of India, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): An Analytical Study, NHRC Report, 2020.

### **15.1.1 Historical Milestones and Constitutional Safeguards:**

The fight for women's rights in India gained momentum during the Indian independence movement, which saw leaders like Mahatma Gandhi emphasizing gender equality as a cornerstone of a free nation. Post-independence, the Constitution of India (1950) emerged as a progressive document, embedding principles of equality and non-discrimination. Articles 14, 15, and 16 ensure equality before the law and prohibit discrimination based on gender. Article 21 guarantees the right to life and personal liberty, while Article 39 mandates equal pay for equal work and the protection of women workers.

In addition, Article 51-A emphasizes the importance of renouncing practices derogatory to the dignity of women. Laws like the Hindu Succession Act, 1956, and amendments to the Dowry Prohibition Act, 1961, and the Criminal Law (Amendment) Act, 2013, have fortified legal safeguards.

India has also ratified international treaties like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), reflecting its commitment to global standards. These frameworks collectively aim to empower women by ensuring rights to education, employment, and freedom from violence.

### **15.1.2 Persisting Gaps and Ground Realities**

Despite these legal protections, the practical realization of women's rights in India faces significant hurdles. Gender-based violence, wage disparity, restricted access to education, and systemic biases in justice delivery remain prevalent. Socio-cultural factors, including patriarchal norms, often obstruct the enforcement of these rights, particularly in rural and marginalized communities.

For example, while the Vishaka Guidelines (1997) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, have addressed workplace harassment, societal stigma often prevents victims from seeking justice. Similarly, constitutional provisions for equal pay are undermined by wage disparities across sectors, particularly in informal employment.

Efforts like the Beti Bachao Beti Padhao scheme and grassroots activism have driven positive change, but their impact is uneven due to gaps in policy implementation and public awareness. Recognizing these gaps is essential for fostering an inclusive society that upholds the dignity and rights of all women.

Through coordinated efforts by the state, civil society, and international bodies, India can work toward bridging this divide and ensuring the full realization of women's human rights. This foundational understanding sets the stage for examining contemporary challenges and the efforts to address them in subsequent sections.

## **15.2 Legal Frameworks and Protections:**

India has established a robust legal framework to safeguard women's rights, rooted in its Constitution and furthered through a series of specific legislations and commitments under international treaties. These frameworks not only aim to protect women from discrimination and violence but also seek to empower them in various spheres of life.

### **15.2.1 Constitutional Safeguards:**

The Constitution of India provides a strong foundation for gender equality. Article 14 ensures equality before the law, and Article 15 prohibits discrimination on the grounds of sex. Article 15(3) empowers the state to make special provisions for women and children, acknowledging their unique vulnerabilities. Article 16 guarantees equal opportunities in public employment, and Article 39 of the Directive Principles mandates the state to ensure equal pay for equal work and protection of the health of women workers. Article 42 directs the state to make provisions for securing just and humane conditions of work and maternity relief.

### **15.2.2 Key Legislations:**

To operationalize these constitutional promises, India has enacted several laws addressing women's rights and protections.

#### **a) Protection of Women from Domestic Violence Act, 2005:**

This progressive legislation addresses domestic violence in a comprehensive manner, defining it broadly to include physical, emotional, sexual, and economic abuse. The Act provides for protection orders, residence orders, and monetary relief for victims. It also mandates the appointment of Protection Officers to assist victims in accessing their rights.

#### **b) The Criminal Law (Amendment) Act, 2013:**

Enacted in the aftermath of the 2012 Nirbhaya case, this Act significantly strengthened India's criminal laws against sexual offenses. It expanded the definition of rape, criminalized stalking and voyeurism, and introduced stringent punishments, including the death penalty for repeat offenders. The Act also mandated the speedy investigation and trial of sexual assault cases, aiming to reduce procedural delays.

#### **c) The Maternity Benefit (Amendment) Act, 2017:**

This legislation enhances maternity rights, increasing paid maternity leave to 26 weeks and providing workplace protections for pregnant women. It also mandates crèche facilities in establishments with a significant number of employees.

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

Based on the Vishaka Guidelines issued by the Supreme Court in 1997, this Act provides a framework for preventing and addressing sexual harassment in workplaces. It requires employers to establish Internal Complaints Committees and ensure a safe working environment for women.

**e) The Prohibition of Child Marriage Act, 2006:**

Recognizing the adverse impact of early marriage on women, this Act criminalizes child marriage and provides for the annulment of such marriages, along with protection and maintenance for the affected women.

**f) International Commitments**

India's commitment to women's rights extends beyond its national laws. As a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), India is obligated to align its laws and policies with international standards. CEDAW requires states to take appropriate measures to eliminate discrimination against women in all spheres of life, including education, employment, and healthcare.

India has also endorsed other international instruments like the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), all of which emphasize gender equality and non-discrimination.

**15.3 Challenges in Implementation:**

Despite these extensive legal provisions, the implementation of women's rights faces significant challenges. The enforcement mechanisms often suffer from inefficiency, lack of awareness, and cultural resistance. For example, while the Domestic Violence Act provides robust protections, many women are unaware of their rights under the law, and societal stigma discourages them from seeking justice.

Similarly, the provisions of the Sexual Harassment at Workplace Act are underutilized in informal sectors, where a significant portion of Indian women are employed. Even in formal workplaces, there is often reluctance to report harassment due to fears of retaliation or career repercussions.

India's legal frameworks and policies aimed at protecting women's rights are among the most comprehensive globally. They reflect a strong commitment to constitutional values and international obligations. However, the gap between the law and its implementation underscores the need for enhanced awareness, capacity building, and societal change. By addressing these challenges, India can ensure that the legal protections for women are not merely aspirational but become a lived reality for all.

**a) Gender-Based Violence:**

Gender-based violence remains one of the most pervasive and entrenched challenges faced by women in India. The prevalence of domestic violence, sexual harassment, honor killings, acid attacks, and human trafficking highlights the systemic nature of such abuse. Reports by the National Crime Records Bureau (NCRB) consistently show that crimes against women have increased over the years, with domestic violence being one of the most reported offenses.

The causes are deeply rooted in patriarchal societal structures, cultural norms, and economic dependency. Domestic violence, for instance, often stems from the societal belief that men have authority over women within familial structures. Sexual harassment, both in public and workplace settings, is driven by the normalization of objectifying women and the impunity afforded to perpetrators. Human trafficking, which disproportionately affects women and girls, is fueled by poverty, lack of education, and demand in exploitative labor and sex trade markets.

The societal attitudes that condone or normalize violence against women further perpetuate the cycle. Many survivors face stigma, victim-blaming, and lack of familial or societal support, discouraging them from reporting offenses. Efforts like the Protection of Women from Domestic Violence Act, 2005, and the Criminal Law (Amendment) Act, 2013, provide legal remedies, but enforcement gaps and cultural resistance undermine their effectiveness.

**b) Economic Disparities:**

Economic disparities are another critical barrier to gender equality. Wage gaps persist across sectors, with women earning significantly less than men for the same work. According to the Global Gender Gap Report 2023, India ranked poorly in terms of economic participation and opportunity, reflecting systemic biases in hiring, promotion, and pay structures.

Women face multiple barriers to economic independence, including limited access to education, skill development, and financial resources. Employment discrimination is widespread, with many women relegated to informal sectors, which lack job security, fair wages, and benefits. Additionally, societal expectations around caregiving responsibilities often limit women's ability to engage in full-time or high-paying employment.

Government initiatives like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and programs promoting women's entrepreneurship have sought to address these disparities. However, the lack of structural support, such as affordable childcare and maternity benefits in the informal sector, continues to impede progress.

**c) Access to Justice:**

The enforcement of legal rights for women faces numerous obstacles in India. Judicial processes are often plagued by delays, procedural complexities, and systemic biases. Survivors of violence and discrimination frequently encounter hostile environments within police stations and courts, which discourage them from seeking redress.

For instance, while the judiciary has introduced fast-track courts for sexual assault cases, the backlog of cases often delays justice. Additionally, the low conviction rates for crimes against women highlight the inefficacy of the justice delivery system. Biases within law enforcement, such as trivializing complaints or perpetuating victim-blaming narratives, further erode trust in the legal system.

Access to justice is particularly challenging for marginalized women, including those from Dalit, tribal, or minority communities, who often face dual discrimination based on gender and identity. Advocacy and legal aid organizations have played a vital role in bridging these gaps, but systemic reforms are essential to ensure equitable access to justice for all women.

#### **d) Health and Education:**

Access to healthcare and education remains a significant challenge for women in India, particularly in rural and marginalized communities. Women often face barriers to basic healthcare services, including maternal and reproductive health. High maternal mortality rates and limited access to contraceptives or safe abortion services reflect gaps in the healthcare system. Cultural taboos surrounding menstruation and reproductive health further restrict women's ability to seek necessary care.

Education, a key determinant of empowerment, also suffers from gender-based disparities. Despite improvements in literacy rates, girls in rural and low-income families are more likely to drop out of school due to economic pressures, early marriage, or lack of infrastructure like safe transportation and sanitation facilities. The lack of representation of women in higher education and STEM fields also limits their career opportunities and economic independence.

Programs like Beti Bachao Beti Padhao and free sanitary napkin distribution schemes aim to address these issues, but the challenges remain deeply entrenched due to societal attitudes and systemic inadequacies.

#### **e) Intersectionality and Marginalization:**

The intersection of caste, religion, and regional disparities amplifies the challenges faced by women in India. Dalit and tribal women often face heightened vulnerability to violence, discrimination, and economic exclusion due to their intersecting identities. Crimes against Dalit women, for instance, are not only gender-based but also reflect caste-based power dynamics.

Similarly, women from religious minorities often experience discrimination in both public and private spheres, exacerbated by communal tensions and stereotypes. Regional disparities also play a role, with women in states like Bihar and Uttar Pradesh facing greater challenges in accessing education, healthcare, and economic opportunities compared to women in more developed states like Kerala or Tamil Nadu.

Addressing these challenges requires an intersectional approach that considers the unique vulnerabilities faced by women across different social, economic, and regional contexts.

Policy interventions must focus on inclusive strategies that account for these overlapping disadvantages, ensuring that the most marginalized women are not left behind.

#### **15.4 Case Studies:**

The lived experiences of women in India provide a poignant illustration of the systemic challenges they face across various socio-economic strata. Real-life examples highlight the intersectional nature of discrimination and the resilience of women navigating these adversities.

- a) **Domestic Violence and Legal Redress:** A notable case is that of Kirti (name changed), a middle-class woman from Delhi, who endured years of domestic violence at the hands of her husband. Despite the enactment of the Protection of Women from Domestic Violence Act, 2005\*, Kirti struggled to access justice due to societal stigma and lack of awareness about her rights. When she finally sought legal help, delays in the judicial process compounded her trauma. Her case underscores how procedural inefficiencies and cultural taboos discourage women from seeking redress, even when protective laws are in place (NCRB Report, 2021).
- b) **Gender-Based Violence and Societal Norms:** The infamous Nirbhaya case of 2012 is a stark reminder of the violence women face in public spaces. A young medical student was brutally gang-raped in a moving bus in Delhi, sparking nationwide protests and legal reforms. The case led to the enactment of the Criminal Law (Amendment) Act, 2013, which introduced stringent punishments for sexual offenses. However, the persistence of similar crimes highlights the gap between legislative measures and societal attitudes that normalize violence against women (Shekhar et al., 2018).
- c) **Economic Disparities and Barriers to Independence:** Lalita Kumari, a Dalit woman from Bihar, provides a lens into economic inequalities. Working as a daily wage laborer, Lalita earned significantly less than her male counterparts despite performing the same tasks. Her situation exemplifies the dual burden of caste and gender discrimination that perpetuates wage disparities. Research by Oxfam India reveals that women in India earn 35% less than men for equal work, with Dalit women facing even starker inequalities (Oxfam India Report, 2020).
- d) **Access to Education and Marginalization:** The story of Reshma, a tribal girl from Jharkhand, highlights barriers to education. Despite excelling in academics, Reshma had to drop out of school at 15 due to economic pressures and lack of access to nearby secondary schools. Her case reflects the broader issue of dropout rates among girls in rural India, often driven by poverty, lack of infrastructure, and gendered expectations. UNESCO data shows that approximately 40% of Indian girls aged 15-18 are out of school, with marginalized communities disproportionately affected (UNESCO, 2022).
- e) **Intersectionality and Structural Discrimination:** The Hathras case of 2020 brought attention to the intersection of caste and gender violence. A 19-year-old Dalit woman was assaulted and later succumbed to her injuries, sparking outrage and debates on systemic biases within law enforcement and the judiciary. This case exemplifies how caste dynamics amplify the vulnerability of women, making it harder for them to access justice. Dalit women are at a higher risk of gender-based violence, with NCRB data showing an alarming rate of crimes against Scheduled Caste women (Kumar, 2021).

- f) **Inspiring Stories of Resilience:** Amid these challenges, stories of resilience also shine through. For instance, Jyoti Kumari, a 15-year-old from Bihar, cycled 1,200 km during the COVID-19 lockdown, carrying her injured father home. Her story highlights the strength and determination of women even in adverse circumstances. It also underscores the lack of systemic support for marginalized communities during crises (Pandey, 2020).

These case studies reveal the complex interplay of cultural norms, economic conditions, and systemic inadequacies that perpetuate gender inequality in India. They also highlight the urgent need for targeted interventions and reforms to address these multifaceted challenges.

### **15.5 Efforts and Initiatives:**

To address the myriad challenges faced by women in India, a combination of governmental and non-governmental initiatives has emerged, focusing on legal reforms, awareness campaigns, and grassroots movements. These efforts aim to empower women, promote gender equality, and create a supportive environment for their holistic development.

#### **15.5.1 Governmental Initiatives:**

- a) **Legal Reforms:** India has implemented significant legal reforms to safeguard women's rights. Key legislations, such as the Protection of Women from Domestic Violence Act, 2005, and the Criminal Law (Amendment) Act, 2013, aim to provide comprehensive protection against violence and sexual offenses. The Maternity Benefit (Amendment) Act, 2017, enhances workplace protections for pregnant women, while the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 institutionalizes mechanisms to address workplace harassment (Ministry of Women and Child Development, 2017).
- b) **Awareness Campaigns:** The Indian government has launched numerous campaigns to promote gender equality and awareness. The 'Beti Bachao Beti Padhao' campaign, initiated in 2015, addresses declining child sex ratios and aims to ensure the survival, protection, and education of girls. Similarly, the 'One Stop Centre Scheme', also known as 'Sakhi Centres', provides integrated services like legal aid, medical support, and psychological counselling for women affected by violence (MWCD Annual Report, 2021).
- c) **Economic Empowerment Programs:** Government schemes like Mahila E-Haat and Stand-Up India promote women's entrepreneurship and financial independence by facilitating access to credit and markets. The Deendayal Antyodaya Yojana - National Rural Livelihoods Mission (DAY-NRLM) empowers rural women through self-help groups (SHGs), enabling them to undertake income-generating activities (Planning Commission Report, 2020).

#### **15.5.2 Non-Governmental Initiatives:**

- a) **Grassroots Movements:** NGOs and grassroots organizations play a pivotal role in advocating for women's rights. The Self-Employed Women's Association (SEWA), founded in 1972, works to improve the livelihoods and working conditions of women



in the informal sector. Organizations like 'Breakthrough India' focus on changing societal norms around gender through community engagement and media campaigns (SEWA Annual Report, 2020).

- b) Combatting Violence Against Women:** Several NGOs address violence against women through direct intervention and advocacy. For instance, 'Jagori', a Delhi-based organization, runs helplines and conducts workshops to raise awareness about gender-based violence. The 'Centre for Social Research (CSR)' works extensively on policy advocacy and skill-building programs for women survivors of violence (Jagori Report, 2022).
- c) Education and Skill Development:** Organizations like 'Educate Girl' and 'Pratham' focus on improving access to quality education for girls in underserved regions. Skill development initiatives by NGOs like 'Skill India' and the 'Azad Foundation' equip women with vocational training and employment opportunities, particularly in non-traditional sectors such as transportation and technology (Educate Girls Impact Report, 2021).
- d) International Support and Collaborations:** India's commitments under international frameworks, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), drive many initiatives. International organizations like UN Women collaborate with Indian stakeholders to implement projects like the 'WeEmpower Asia' program, aimed at increasing women's participation in business and economic decision-making (UN Women Report, 2022).

**Challenges and the Way Forward:** Despite these efforts, challenges remain in implementation and outreach. Issues such as lack of awareness, insufficient funding, and societal resistance often limit the effectiveness of these initiatives. Strengthening collaboration between governmental bodies, NGOs, and communities is crucial for amplifying impact and ensuring that these efforts reach the most vulnerable women.

The sustained efforts of diverse stakeholders demonstrate a growing commitment to gender equality, but a more inclusive and participatory approach is essential to overcome systemic barriers and achieve transformative change.

## **15.6 Conclusion:**

The journey toward realizing the human rights of women in India is marked by progress and persistent challenges. Despite a robust legal framework, including constitutional provisions and progressive legislations such as the \*Protection of Women from Domestic Violence Act, 2005\*, and the \*Criminal Law (Amendment) Act, 2013\*, the gap between legal provisions and practical implementation remains wide. Societal norms deeply rooted in patriarchy often undermine these laws, perpetuating violence, economic disparities, and systemic biases against women. Marginalized groups, including Dalit, tribal, and minority women, face compounded vulnerabilities, emphasizing the need for intersectional approaches to gender equality.

Encouragingly, grassroots movements, awareness campaigns, and international collaborations under frameworks like CEDAW have begun to shift societal attitudes and drive policy reforms. Initiatives targeting education, skill development, and economic empowerment have empowered women, offering pathways to independence and equality.

However, achieving transformative change requires stronger enforcement of laws, cultural introspection to dismantle regressive norms, and collaborative efforts across government, civil society, and international organizations.

Empowering women is not just an ethical imperative but a cornerstone of a just and equitable society. When their rights are safeguarded, societies thrive, democracy strengthens, and the path toward sustainable development becomes clearer. By addressing systemic barriers with urgency and empathy, India can bridge the gap between legislation and lived realities, creating a future where the human rights of all women are universally upheld and celebrated.

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