



HUMAN RIGHTS - WOMEN AND CHILD RIGHTS

VOLUME I



Dr. Jayshree Gautam Kanchanpurkar
Dr. Swapnil Choudhary
Prof. Harshada Rajput

Kripa Drishti Publications, Pune.

HUMAN RIGHTS – WOMEN AND CHILD RIGHTS

Volume I

Editors

Dr. Jayshree Gautam Kanchanpurkar

Assistant Professor,
Vivekanand Education Society's College of Law,
University of Mumbai, Maharashtra.

Dr. Swapnil Choudhary

Assistant Professor,
Vivekanand Education Society's College of Law,
University of Mumbai, Maharashtra.

Prof. Harshada Rajput

Assistant Professor,
Vivekanand Education Society's College of Law,
University of Mumbai, Maharashtra.

Kripa-Drishti Publications, Pune.

Book Title: **Human Rights - Women and Child Rights**
Edited By: **Dr. Jayshree Gautam Kanchanpurkar,
Dr. Swapnil Choudhary, Prof. Harshada Rajput**

Volume I

Price: ₹600

ISBN: **978-93-48091-73-4**



Published: **Dec 2024**

Publisher:



Kripa-Drishti Publications

A/ 503, Poorva Height, SNO 148/1A/1/1A,
Sus Road, Pashan- 411021, Pune, Maharashtra, India.
Mob: +91-8007068686
Email: editor@kdpublishations.in
Web: <https://www.kdpublishations.in>

© Copyright Dr. Jayshree Gautam Kanchanpurkar, Dr. Swapnil Choudhary, Prof. Harshada Rajput
All Rights Reserved. No part of this publication can be stored in any retrieval system or reproduced in any form or by any means without the prior written permission of the publisher. Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages. [The responsibility for the facts stated, conclusions reached, etc., is entirely that of the author. The publisher is not responsible for them, whatsoever.]

PREFACE

Every citizen of the world is entitled to human rights, regardless of their origin, sex, nationality, religion, language, or any other status. The United Nations Universal Declaration of Human Rights was signed and ratified in 1948, following the horrors and massive death toll of World War II, which gave rise to human rights.

This book focusses on women and children, two of society's most vulnerable groups who have been denied human rights since immoral times. Vulnerable groups are those that are weak and poorly protected by nature or due to deeply ingrained customs, and whose rights have frequently been violated by the dominant segment of society.

This edited book aims to demonstrate that social justice-oriented psychology that incorporates feminist scholarship and empirical findings based on women's grassroots activism and resistance is essential to a better understanding of women's and children's rights and justice.

CONTENT

1. Ensuring the Human Rights of Women and Children Under the Assisted Reproductive Technology Act, of 2021 - Manojkumar S. Raj, Dr. Prashant D. More, Dr. Deepak R. Kshirsagar	1
1.1 Introduction:	1
1.2 Objectives of the Chapter:.....	2
1.3 Human Rights concerning the Assisted Reproductive Technology Act, of	3
1.4 Women's Rights under the Assisted Reproductive Technology Act, 2021:	4
1.5 Children's Rights under the Assisted Reproductive Technology Act, 2021:.....	6
1.6 Case Studies and Real-World Applications:	7
1.7 Policy Recommendations:.....	9
1.8 Conclusion:	11
1.9 Implications for Policy and Practice:.....	11
1.10 Future Directions:	12
2. An Examination of Marital Rape As a Sacred Violence in India - Dr. Tejaswi Avhad, Dr. Nilesh Kharche	13
2.1 Introduction:	13
2.2 Court's view on Marital Rape:	15
2.3 United Nations Report on Domestic Violence:	16
2.4 Changed Paradigm of Marital Rape in Canada:	16
2.5 Conclusion:	18
3. A Critical Study on Zero Ticket Bus Travel Scheme for Women In Tamil Nadu - Mrs. R. Vimala	19
3.1 Introduction:	19
3.2 Objective:	20
3.3 Review of Literature:	20
3.4 Methodology:	22
3.5 Data Analysis:	23
3.6 Result:	31
3.7 Discussion:	32
3.8 Conclusion:	32
3.9 Reference:	32
4. Law Enforcement's Role in Addressing Gender-Based Violence in India - Dr. Sajan G. Patil.....	34
4.1 Introduction:	34

4.2 Understanding Gender-Based Violence in India:.....	35
4.2.1 Legal Framework Addressing Gender-Based Violence in India:.....	35
4.2.2 The Role of Law Enforcement in Addressing Gender-Based Violence:	37
4.2.3 Challenges Faced by Law Enforcement in Combatting Gender-Based Violence in India:	38
4.2.4 Landmark Cases Shaping Law Enforcement’s Role in Gender-Based Violence:	40
4.2.5 Best Practices and Initiatives for Law Enforcement in India:	42
4.3 Conclusion:	43
5. Future Challenges and Opportunities in Advancing Women and Child Rights - Dr. Madhuri V. Sarwade	45
5.1 Introduction:.....	46
5.2 Current Landscape of Women’s and Child Rights:.....	48
5.3 Future Challenges in Advancing Women and Child Rights:.....	49
5.3.1 Digital Task Being Challenging for Women’s and Children’s:	49
5.3.2 Impact of Economic Divides on Women and Children’s Rights:	50
5.3.3 Risks Particular to Gender in Displacement Situations:	51
5.3.4 Environmental and Economic Challenges:	52
5.3.5 There Are Critical Gaps in Child-Related SDG Data:.....	53
5.3.6 Status of Women Globally:	54
5.4 Conclusion:	57
6. International Conventions and Treaties: Their Impact on Women’s and Children’s Rights in India - Dr. Chandrani S. Bagadi.....	58
6.1 Introduction:.....	58
6.2 The Legal and Constitutional Basis for International Treaties in India:	58
6.2.1 India’s Treaty Obligations:.....	58
6.2.2 The Indian Constitution and International Obligations:.....	59
6.3 International Treaties and Legislative Reforms in India:	61
6.3.1 Women’s Rights: Transformative Legal Developments:.....	61
6.3.2 Children’s Rights: Progressive Legal Framework:.....	62
6.4 Policy Frameworks and International Norms:	62
6.4.1 Beti Bachao Beti Padhao (BBBP):	62
6.4.2 Integrated Child Protection Scheme (ICPS):.....	62
6.5 Challenges in Implementation:	62
6.5.1 Socio-Cultural Barriers:	63
6.5.2 Institutional Weaknesses:	63
6.5.3 Resource Constraints:.....	63
6.6 Recommendations:	63
6.7 Conclusion:	63

7. The Role of Cultural Relativism in Shaping Perceptions of Women’s and Children’s Rights in India - S. Bramanandasivam..... 64

7.1 Introduction:..... 64
 7.1.1 Research Methodology:..... 65
7.2 Theoretical Foundations of Cultural Relativism and Human Rights: 65
 7.2.1 Defining Cultural Relativism:..... 65
 7.2.2 The Tension Between Universalism and Relativism: 65
 7.2.3 Cultural Relativism and the Indian Context: 66
7.3 The Influence of Cultural Relativism on Women’s Rights in India:..... 67
 7.3.1 Gender Roles and Patriarchy: 67
 7.3.2 Arranged Marriages and the Dowry System: 68
 7.3.3 Violence Against Women:..... 69
7.4 The Impact of Cultural Relativism on Children’s Rights in India: 69
 7.4.1 Child Marriage and Its Consequences:..... 69
 7.4.2 Child Labor and Exploitation: 69
7.5 Strategies for Addressing Cultural Relativism in Women’s and Children’s Rights:..... 70
 7.5.1 Promoting Education and Awareness: 70
 7.5.2 Strengthening Legal Protections: 70
7.6 Conclusion: 70

8. The Evolution of Human Rights in India: Tracing the Historical, Social, And Legal Dimensions of Women’s and Children’s Protections - Shibayan Chattopadhyay 72

8.1 Introduction: 72
8.2 Ancient Indian Perspectives on Women and Children’s Rights: 72
8.3 Social Reform Movements and Rights Evolution: 74
8.4 Constitutional Framework Development: 75
8.5 Legislative Milestones for Women: 77
8.6 Child Rights Legislative Journey: 78
8.7 Judicial Activism and Rights Expansion: 80
8.8 International Conventions and Domestic Implementation 82
8.9 Contemporary Challenges and Future Directions: 84
8.10 Conclusion: 86

9. Significance of Human Rights for All, Including Non-Citizens: An Indian Perspective - Dr. Rajesh Anantrao Sakhare 87

9.1 Introduction: 87
9.2 Historical Growth and Evolution of Human Rights: 87
 9.2.1 Global Evolution:..... 87
 9.2.2 Evolution in India:..... 88
9.3 Landmark Judgments:..... 88
 9.3.1 Vishaka v. State of Rajasthan (1997):..... 88

9.3.2 National Human Rights Commission v. State of Arunachal Pradesh (1996):.....	88
9.3.3 Chairman, Railway Board v. Chandrima Das (2000):	88
9.4 Significance of Human Rights for Non-Citizens:	88
9.4.1 Equality Before Law:	88
9.4.2 Refugee Protections:	88
9.4.3 Labor and Social Rights:	89
9.5 Issues and Challenges:	89
9.5.1 Systemic Discrimination:	89
9.5.2 Statelessness:	89
9.5.3 Misuse of Laws:.....	89
9.6 Landmark International and Indian References:	89
9.7 Recommendations:	89
9.8 Conclusion:	90
9.9 References:.....	90
10. Women's Right to Education in India: Concept, Issues and Obstacles - Dr. Upendra Grewal	91
10.1 Introduction:.....	91
10.2 Women Education in India:	91
10.3 Right to Education and Legal Provision:	93
10.4 Importance of Girl Education:	95
10.5 Government Initiative/Schemes for Women Education and Skill Development:	96
10.6 Conclusion:	99
11. Legal Implications of Juvenile Rash Driving and Its Contribution to Accidental Deaths in India - Dr. Sachin Joshi	101
11.1 Introduction:.....	101
11.2 Review of Literature:.....	102
11.3 Objectives of the Study:.....	103
11.4 Comparative Study: Laws Addressing Accidental Deaths in the U.S., U.K., and	103
11.5 Landmark Judgments in India Relating to Juvenile Rash Driving and Accidental Deaths:	106
11.6 Need for Reforms: Curbing Juvenile Driving Without a License and Creating Effective Deterrence:.....	109
11.7 Conclusion:	110
11.8 References:.....	110
12. Multiple Layers of Discrimination: An Intersectional Approach to Human Rights for Women and Children - Reshma Thikar	112
12.1 Introduction:.....	112
12.2 Theoretical Framework: Understanding Intersectionality:	113

12.3 Historical Overview: Evolution of Intersectional Human Rights for Women and	113
12.4 Analysis and Discussion:	115
12.5 Findings/Results:	117
12.6 Case Laws:	118
12.7 Challenges in Implementing an Intersectional Approach:	119
12.8 Recommendations for Policy and Legal Reforms:	120
12.9 Conclusion:	121
12.10 References:	122

13. Empowering Girl Children: Combating Sexual Abuse Through POCSO Protections - Kiruthika D., Jothilakshmi D. 123

13.1 Introduction:	123
13.2 What is Child Sexual Abuse?	124
13.3 The Impact of Sexual Abuse on Girl Children:	125
13.4 Understanding the POCSO Act: Legal Protections for Girl Children:	126
13.5 Role of Law Enforcement and Judicial Systems in POCSO Implementation:	129
13.6 Challenges in Enforcing POCSO Protections:	131
13.7 Collaborative Efforts in Strengthening POCSO Protections:	132
13.8 Conclusion: Towards a Safer Environment for Girl Children	134

14. Global Mechanisms for Safeguarding Women's Human Rights: An Overview of International Legal Instruments - Dr. Sunil Dutt Chaturvedi ... 135

14.1 Introduction:	135
14.2 Historical Development:	136
14.3 Core International Legal Instruments:	137
14.4 Implementation Mechanisms:	140
14.5 Contemporary Challenges and Emerging Issues:	142
14.6 The Role of Civil Society:	144
14.7 Key Recommendations:	144
14.8 Conclusion:	145

15. Human Rights of Women in India: Navigating Contemporary Challenges - Rutuja Purohit..... 147

15.1 Women's Human Rights in India: An Overview:	147
15.1.1 Historical Milestones and Constitutional Safeguards:	148
15.1.2 Persisting Gaps and Ground Realities	148
15.2 Legal Frameworks and Protections:	149
15.2.1 Constitutional Safeguards:	149
15.2.2 Key Legislations:	149
15.3 Challenges in Implementation:	150
15.4 Case Studies:	153
15.5 Efforts and Initiatives:	154

15.5.1 Governmental Initiatives:	154
15.5.2 Non-Governmental Initiatives:	154
15.6 Conclusion:	155
15.7 References:.....	156

16. Freedom Unfilled: The Curse of Gender Bias in Independent India -

<i>L. Keerthana</i>	158
---------------------------	------------

16.1 Introduction:.....	158
16.2 Legislative Framework on Abolition of Gender Bias in India:	161
16.3 Socio – Economic Stabilized Scheme to Prohibit Gender Bias:.....	163
16.4 Role of Judicial Activism in Protection and Promotion of Women Empowerment in India:	164
16.5 Conclusion:	165
16.6 References:.....	166

ABOUT EDITORS



Dr. Jayshree Gautam Kanchanpurkar is currently working as Assistant Professor at Vivekanand Education Society's College of Law since 2013, Affiliated to University of Mumbai, Maharashtra. She has completed her MA (Economics), LLB (Government Law College), LLM (Constitutional & Administrative Law, Dept of Law, University of Mumbai) and Ph.D. degree from Law School, S.N.D.T Women's University, Mumbai. She had published various International and National research

papers in several reputed journals on the various legal issues. Her Multiple Publications on various legal issues underscore his active involvement in contributing to the academic discourse.



Dr. Swapnil Choudhary is an Assistant Professor at Vivekanand Education Society's College of Law since 2013, Affiliated to University of Mumbai, Maharashtra. He has a strong foundation in legal education, holding degrees in Bachelor of Social Law (BSL), Master of Laws (LL.M.), and a Doctorate (Ph.D.) in law. He had published various International and National research papers in several reputed journals on the various legal issues & published various chapters in reputed Research Journal.

His academic focus includes a wide range of legal topics, providing students with insightful perspectives on contemporary legal challenges. In addition to his teaching role, Dr. Swapnil Choudhary is instrumental in guiding students on various projects, offering valuable insights and mentorship.



Prof. Harshada Rajput is an Assistant Professor at Vivekanand Education Society's College of Law since 2013, Affiliated to University of Mumbai, Maharashtra with. She has a strong foundation in legal education, holding degrees in Bachelor of Social Law (BSL), Master of Laws (LL.M.), and pursuing Doctorate (Ph.D.) from Maharashtra National Law University (Mumbai) in law. She had published various National research papers in several reputed journals on the

various legal issues. She has successfully guided students on various projects, offering valuable insights and mentorship.



Price: ₹ 600

Kripa-Drishti Publications

A-503 Poorva Heights, Pashan-Sus Road, Near Sai Chowk,
Pune - 411021, Maharashtra, India.

Mob: +91 8007068686

Email: editor@kdpublishations.in

Web: <https://www.kdpublishations.in>

ISBN: 978-93-48091-73-4



9 789348 091734