



## A Review of the Protection of Women's Rights: An Indian Perspective

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### ABSTRACT

*Protecting women's rights is predominantly adjudicated within a particular society and state. Society and state entail the laws and legislations for the protection of rights. In India's last 75 years of independence, the Constitutions, laws, and government decisions tended to ensure the rights and privileges of women. Along with the fundamental rights and different articles of the constitution, nineteen laws have been enacted to protect and preserve women's rights. But still, the conditions of the Indian women are in a marginalized position. Over time some new problems and shortcomings cropped up with new vigor and density. Thus, this study is an attempt to analyze them empathically and elaborately with new thoughts and views.*

**Keywords:** Articles, Constitution, Laws, Legislation, Shortcomings, Women's Rights.

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### 1. INTRODUCTION

At present women's rights is an ablaze concomitant issue. This issue has been discussed extensively by different writers, philosophers, and activists since its inception. Further, the authors have vehemently written their thoughts, perception, and view through books, journal articles, magazines, newspapers, etc. Although there are so many discussions on it, still nobody can precisely claim that the issue has been completely resolved and redressed in the real sense of the term. Moreover, some new problems and issues have cropped up in recent times. Considering all these aspects, this paper is a modest attempt to analyze and scrutinize the issue from different perspectives that have cropped up in India and abroad.

### 2. OBJECTIVES

1. It deals with the growth and development of feminism in theoretical perspectives.
2. The study will make an endeavour to explain the recent problems faced by the women.
3. To highlight the possible solution of the problem.

### 3. METHODOLOGY

In the study of this subject, content analysis method is being applied to understand the problem. It is also applied the analytical method to study the content identified. However, the secondary sources of data are being used to collect data from different relevant books, journals, published and unpublished theses, newspapers etc. Thus, the discussion is divided into three parts- Part-1, Part-2 and Part-3 to analyse the arguments.

### 4. DISCUSSION

#### 4.1 Part-1

The issue of women's rights is a complex subject. The nomenclature used to define the issues of women is called the feminism. Theoretically, feminism is a protest movement conducted by women for the emancipation of exploitation, oppression, and suppression against patriarchy or male-dominated society. Thus, the word women's protest, women's rights, and feminism is used synonymously to denote the entire concept of women. The study and development of issues related to women's rights officially came under the concept of liberal feminism started in the 1830s but it was in the 1890s the term "Feminism" was used in the English language. The word Feminism was derived from the French language which means related to women's issues. The French

Revolution took place from May 5, 1789, to November 9, 1799 (10 years 4 months, and 4 days) and the American War of Independence, which took place from 1775 to 1783, started the feminist movement along with the development of concepts like individual liberty, equality, fraternity and rights etc. Since then the feminist movement passed the three stages which are also called the waves. The feminist movement that took place from 1830 to 1930 is called the first-stage feminist movement. At this stage, especially those who did not support women's rights, such as Voltaire, Rousseau, Montesquieu, etc. were criticized. The second stage of feminism, which began in the 1960s to 1980s, include the women's emancipation movement, radical feminism, the right and independence of social and personal life, the analysis of the reasons for inequality between men and women, the patriarchal social structure, exploitation of women and sisterhood, etc. The third phase of the feminist movement i.e. from the 1980s to the 1990s, moved out from Western developed countries and covered the problems of women in developing and underdeveloped countries of Asia and Africa i.e. newly independent states from colonial rule. During this period, the feminist movement includes all sections of women from all over the world with more dynamism and vigor. Thus, this stage is also termed post-colonial feminism, youth feminism, eco-feminism, transgender feminism, and black feminism.

The above three stages of the feminist movement reflect the voices of protest against the exploitation, injustice, oppression, torture, inequality, etc. of men against women since ancient times.

The issue of women's rights in the Indian context shows that the demands for women's rights, dignity, equality, and freedom were expressed through the characters of Draupadi in the Mahabharata and Sita in the Ramayana from the pre-historic period. But it is only in the 19th century that it appears to have been published in an organized manner. In this regard, the social reformers of the nineteenth century played a significant role. Among these great social reformers Raja Ram Mohan Roy, Keshav Chandra Sen, Ishwar Chandra Vidyasagar, Swami Dayanand Saraswati, Swami Vivekananda, Jyotiba Phule, Annie Besant etc. The steps they had taken against the evils of child marriage, the sati system, widow marriage, the purdah system, the promotion of female education, polygamy, women's rights over property, etc. were important. Apart from this, the role of women's organizations established in the 19<sup>th</sup> century by men and women such as Brahmo Samaj, Ramakrishna Mission, Arya Samaj, Women's Association of Swarnakumari Devi in 1882, Arya Mahila Samaj of Ramabai Saraswati in 1882, 'Bharat Mahila Parishad' of 1905, Indian National Congress, Bharat Sri Mandal in 1910, etc. were significant. These demands and movements were formed under the aegis of Swarnakumari Devi, Ramabai Saraswati, Sarojini Naidu, Ushabai Dange, Parvati Bhar, etc. Although the participation of women in India's freedom movement increased after the arrival of Mahatma Gandhi, the Indian National Congress did not fulfill the promises made during the movement after independence. During the 1960s and 1970s, women were outraged by the failure to fulfill their promises and formed various women's organizations in different parts of the country. These organizations fought against dowry, domestic violence, female feticides, child marriage, etc. In addition, many women participated in the price hike movement, land movement, and peasant movement in the country at that time. The internal emergency declared for 21 months on June 26, 1975, also robbed women's rights.

As a result of the demands for the protection and maintenance of women's rights during the period of independence, articles 14, 15, 15 (A), 15 (3), 16, 99, 99 (A), 42, 44 of the Constitution of India have been amended to protect women's rights. In addition, action has been taken under Sections 125, 302, 304, 313, 314, 366, 373, 375, 376 (a,b,c,d), 493, 495, 496, 497, 498 of the Code of Criminal Procedure of 1973. Sections 292, 293, and 294 of the Indian Evidence Act of 1872 have also contributed to the protection of women's rights.

Moreover, the laws that have been enacted so far to protect the rights of women as depicted in table 1.

**TABLE 1 THE RIGHTS OF WOMEN**

<b>Hindu Marriage Act, 1955</b>	<b>The special marriage Act, of 1954</b>	<b>The Hindu Widow Remarriage Act,1859</b>
<b>The Hindu Succession Act of 1956</b>	The Medical Termination of Pregnancy Act,1971	The Preconception and Parental Diagnostic Techniques (Prohibition of Sex Selection) Act,1939
<b>The Maternity Benefit Act, 1961</b>	The Dissolution of Muslim Marriage Act, 1939	The Muslim Women (Protection of Rights on Divorce) Act, 1986
<b>The Dowry Prohibition Act, 1961</b>	The Immoral Traffic (Prevention) Act,1956	The Indecent Representation of Women(Prohibition)Act, 1986
<b>The Commission of Sati (Prevention) Act,1987</b>	The Protection of Human Rights Act,1993	The National Commission of Women Act, 1990
<b>Protection of Women from Domestic Violence Act, 2005</b>	The Family Court Act, 1984	Child Marriage Restraint Act, 1929
<b>The Maintenance and Welfare of Parents and Senior Citizens Act, 2007</b>		

Therefore, it has been observed that various laws have been enacted to protect women's rights and prevent them from being violated or exploited, abused, or persecuted.

#### **4.2 Part –2**

Throughout the history of human civilization, women have always been humiliated and deprived. It is indefinite to proclaim that when this deprivation will come to an end. Although the feminist movement, which began in the 19<sup>th</sup> century, has passed a long time, there are some other aspects added today that have contributed to the depreciation of women's dignity, and respect and make them vulnerable to exploitation, torture, suppression, etc. So in this section of our discussion, we will try to cover some other issues which have become pertinent today.

One of the most important problems raised at present is the problem of employment. The rapidly growing population has reduced the probability of employment in the government or private sectors. Due to the population explosion in comparison to the number of vacant posts the candidates and employment opportunities have been reduced and vice versa. In addition, the incorporation of new science and technology in the private sector has also reduced employment opportunities in the industrial sector. On the other hand, globalization has led to the closure of different small traditional industries in developing countries and many people working in those industries have lost their jobs. In this sector, women become more vulnerable and get less opportunity for engagement. The Covid pandemic also forced the closure of many small and medium industries run by women or employed in those industries. This forced the women to lose their employment and become unemployed.

Another problem faced by women in recent times is the problem of divorce. Although there are no quantitative data available on this, personal experience shows that the problem of divorce has increased tremendously in the last 10-15 years. Divorce women are likely to have a dark future if they do not have employment or engagement.

Another problem faced by women is that they are largely abused by women. There are many examples of in-laws, and sisters-in-law, abusing newly married daughters-in-law in various ways. This conflict of mother-in-law has taken such a drastic form in the present times that incidents like the killing of mother-in-law, and murder of daughter-in-law have been taking place frequently. In such a situation, both the mother-in-law and the daughter-in-

law are seen to be the victims. In such circumstances, it has degraded their rights and position in their home and society.

In the modern world, mobile phones have made human life easier, but their side effects have created many obstacles. Consequently, many times married women have been found cheated and left their families. Due to such incidence, many women are found to be in the grip of human traffickers. The traffickers are taking over the possession of the women by using various inducements and selling them in brothels. This is a violation of the woman's rights. The woman is neglected by society even if she returns from the clutches of such a vicious circle.

Rape is another curse for today's women's society. The incidence of rape and murder and the burden of unwanted motherhood on girls have increased in the past two decades. It is volatile that rape does not only harm a woman's body but also deeply hurts her conscience, emotions, and mentality. In this case, only the victim of rape understands its intensity very well. Therefore, disorders like rape undermine women's rights.

There has already been some discussion on the trafficking of women, which is called human trafficking. Although human trafficking refers to men, women, and children, women are the most trafficked. Therefore, human trafficking refers to the trafficking of women. Women from rural areas, underdeveloped areas, and poor families are most affected. Sometimes young girls are especially become more susceptible due to economic backwardness and poverty-driven areas affected by war, natural disasters, floods, landslides, and evictions. The vicious circle of women traffickers targets teenage girls and married women by luring them with the temptation of a comfortable life, improvement in the financial aspect, life security, marriage, etc. In many cases, there are many examples of many teenagers, and young women being kidnapped and sold in prostitution homes under the pretense of false love. It is easy to imagine the situation of women in such circumstances.

Another problem that is most affected by women is eviction. Eviction can take place in different ways. Evictions might happen due to clearance of government land, floods or other natural causes, establishment of government institutions, setting up of industries, landslides, etc. When families are separated from their land, women and girls are mostly affected because it is not possible to protect women's privacy. The women primarily feel and understand how difficult it is to get detached from a house after living for many years and manage a new one in a different place. In such a situation, it becomes difficult to protect the rights of women.

Another phenomenon that is currently occurring in the 21st century is the inability to conceive. This problem is increasing widely and has encountered the oppression of women to a large extent. In this case, women who face such problems are physically and mentally tortured by their husbands, family, and society. The women who are the victim of such situations can feel the gravity of it.

Women are currently confronting another problem, i.e. the abundance of excess requirements. Excessiveness refers to the mentality of one who expects more than he/she deserves. In other words, seeking additional benefits more than he/she deserves in principle. In this case, a man seeks additional pleasure from other women in addition to the physical and mental pleasure he receives from his wife. That is, he wants to have an illicit relationship with another woman. When such an incident occurs in a family, there is a lot of unrest in that family and the family breaks down. In such circumstances, the children of the family are mostly affected. Moreover, it also disrupts the rights of the woman in that family. In today's consumerist society, children's cruel behavior towards old parents has become a disease. Our daily newspapers published such incidences extensively about the inhuman and abhorrent treatment meted out to old parents. Leaving old parents on the streets helplessly, physical torture or beating, murder, etc., crossing the limits of humanity has become a matter of shame for human society.

While reservation of seats in the political system has created opportunities for women to participate but in reality it is meaningless. It has by any means not preserved their rights. As a result of reservation, women have been elected to Parliament, Assembly, and Panchayats but the mentality of the heads of the political parties is not liberal. As a result, elected women haven't got the opportunity to speak on women's rights under the pretext of party discipline. If a woman representative speaks out against the party's policies, her political future has become uncertain. In addition, political parties are also reluctant to give party tickets to women during elections.

The present high inflation situation makes it difficult for people to lead a quality life. Price rise in all sectors like food items, clothes, cosmetics, home furnishings, vehicles, school fees, etc. has made people helpless. Women have

been more affected by this. As housewives and mothers, women are forced to make more sacrifices in families plagued by the curse of rising prices. These make it difficult for a woman to lead a dignified life.

Domestic violence is another disease that undermines women's rights. In recent times, laws have been enacted to prevent domestic violence, but many cases of mental and physical abuse do not come to light. Women often endure domestic violence due to fear or reluctance to go to the police and courts. In addition, women are on the back foot due to a lack of money to fight legal battles. Many times women are forced to take tough decisions like suicide in the grip of domestic violence. Therefore, domestic violence has emerged as one of the obstacles in the process of enjoying women's rights.

The workplace is also currently unsafe for women. The lusty eyes of the senior officials also deprive women to work safely. In this case, some women quietly tolerate this and others protest. In such a situation, women feel very insecure and are sometimes forced to quit their jobs. In this regard, the issue of women's rights is a matter of considerable debate.

#### **4.3 Part-3: Measures to protect women's rights:**

Although the criteria for determining the dignity, rights, and position of women are reflected in different ways in different countries, women are always women. In this concurrent situation, women are more or less neglected and deprived no matter where they live in the world. The levels of torture, oppression, exploitation, etc. are higher in developing and underdeveloped countries of Asia and Africa than in Western countries. Various laws, administrative decisions, and commissions have been set up to protect women's rights, but this has improved the situation to some extent but has not dispersed at all. Therefore, in this regard, a timely step is the need of the time to improve the situation. Therefore, some measures have been discussed below.

**4.3.1 Raising awareness and consciousness:** In the current competitive environment, only awareness and consciousness will protect women's rights. If women's rights are violated or denied, only awareness can protect them. Women can protest against injustice against them only by being vigilant and aware. Otherwise, women's rights will remain in ruins because whether it is men or the patriarchal social system, they are constantly trying to maintain hegemony. Women can protect their rights only if they can oppose and challenge this hegemony. In this regard awareness and consciousness are the main weapons.

**4.3.2 Change in mindset:** A change in mindset can be considered another step. In this regard, women need to change their mindset of accepting men's slavery. First of all, the woman has to change her mindset. Where necessary, women should not hesitate to take strong measures against male domination. Secondly, women must make efforts to change the mindset of men. Women must strongly protest the mentality of men who consider women as consumables. Therefore, all women regardless of caste, religion, race, and place must unite and explain to the male society that women are also human beings, not commodities to be consumed. According to the laws of nature, a woman is fortunate to be a mother, sister, and wife, which has led to the process of reproduction. That should be explained to the men that without it mankind will cease to exist.

**4.3.3 Self-action:** Women must come forward to protect their rights and to protest or create resistance against violence, oppression, etc. Men and patriarchal societies never spontaneously give rights, honors, equal status, etc. to women. Women have to come forward to keep intact their dignity. Women have to raise their demands for their rights. Moreover, the women's society itself should not do such activity that contributes to their degradation. Women must decide for themselves what they should or should not do through conversation, talk, etc. In addition, women must include all women living in cities, towns, villages, etc., regardless of rich and poor, high and low. Women can only climb to the peak of success if they can avoid the hegemony or domination within themselves and bind everyone together.

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