



ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN IN INDIA

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Abstract

The present study is on all forms on discrimination against women in India and the gaps in the law. There is lack of an extensive anti-discrimination legislation that addresses all elements of discrimination including transversal inequality in India. There has been a sharp growth in serious attacks on women, including rape and kidnapping. Since 2002, there has been an increase in rate of acid assaults on women. There is a shortage of medical, emotional, judicial, and financial help for women who have been sexually abused. It is essential to establish a comprehensive policy to improve the living standard of women. The National party is concerned with the continuance of patriarchy and prejudices that mistreat women in India from socio-economical, religious, and political groups, as well as in the mass media. There is need of prosecution of prostituted women as a result of anti-trafficking actions like rescue squads. Rural women are disproportionately impacted by undernourishment, poverty, limited access to natural resources, safe drinking water, and sources of credit. As well as to revoke and explicitly forbid laws pertaining to disability-based custody of women, including forced admission to mental hospitals.

Introduction

The current topic is a study on all forms of discrimination against women in India and to frame anti-discriminatory law against them. Nevertheless, article 15 of the Indian constitution states equal legal immunity for both women and men and forbids sexual discrimination¹. However, there is lack of an extensive anti-discrimination legislation that addresses all elements of discrimination including transversal inequality in India. Moreover, the law should inhibit damage to crimes against women, including women from marginalised groups societies, and tribal women, and evaluate the current regularizing inequalities. In contrast, there has been a sharp growth in serious attacks on women, including rape and kidnapping in India. Apparently, in 2012, National Crimes Records Bureau, suggested a 902.1 percent increase since 1971, as well as continued punishment for such offenses. Alternatively, there is no escalation of caste-based attacks, particularly rape, against young girls, as well as the underplaying of the serious unlawful types of sexual assault against

¹ To improve police efficiency, to ensure that officers fulfil their duty to protect women and girls from violence and are held accountable, to adopt standard procedures for police in each state on gender-sensitive investigations and treatment of victims and witnesses, and to ensure that first information reports are filed on time.



young women by important State authorities in India (United Nations. Office of the High Commissioner for Human Rights, International Bar Association, 2003).

As noted above, there is inadequate enforcement of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, as well as punishment for offenders of major assaults on women in India. For this reason, highest amount of dowry deaths recorded in India since 2008. Persistently, "honour crimes" committed by relatives against women and young girls in Indian villages. Thereafter, outlawing same-sex partnerships, as stated in the Supreme Court's decision². Since 2002, there has been an increase in rate of acid assaults on women, despite the fact that such crimes are underreported³. Notwithstanding, to pass the "Communal Violence - Prevention, Control, and Rehabilitation of Victims Bill" as soon as possible and ensuring that it includes a systematic way of restitution for victims as well as gender based, legal and evidential procedures. In view of this, it was observed significant level of crimes against women in conflict zones, including rapes and other types of sexual assault, abductions, deaths, and acts of cruelty and maltreatment especially in Kashmir, the north-east, Chhattisgarh, Odisha, and Andhra Pradesh. Resulting from this, a substantial percentage of homeless women and young girls, particularly in the north-east, as a consequence of periodic communal unrest, poor living standards, and vulnerability to major violations of human rights, as well as a dearth of gender-based initiatives at all phases of the relocation circle. Similarly, in dispute zones, there is a shortage of medical, emotional, judicial, and financial help for women who have been sexually abused. It is essential to establish a comprehensive policy to improve the living standard of women, which include suitable financial retrieval initiatives, assigning below-poverty-line tokens, and supplying other rewards under state programs, as well as increasing evidence, security, and prevention steps, particularly for women residing in reprieved settlements (Marwaha & Goel, 2019).

The deprivation of women in society

As explained earlier, they are concerned with the continuance of patriarchy and innate prejudices that mistreat women in India from socio-economical, religious, and political groups, as well as in the mass media. Likewise, the continuance of detrimental old traditions in the National party, including forced marriages, dowry system, sex-selective abortion, sati, devadasi, and blaming women of black magic are worrisome. Correspondingly, the law in India has not taken systematic measures to remove prejudices and harmful behaviours. On the other hand, governing party should launch a systematic public campaign and plan, with clear targets and timetables, to abolish patriarchy stereotypical views that oppress women. Along

² Suresh Kumar Kaushal and another v. NAZ Foundation, 2013

³ According to data supplied by the National Crime Records Bureau (NCRB), there were over 1,500 victims of acid assaults in the country between 2014 and 2018. In 2020, there were 182 acid attack instances reported across India. This statistic is lower than the previous years. In addition, there were sixty attempted acid assaults in India in 2020.



with that, the Indian judiciary should frame laws to increase awareness and community programs, involving society and local leaders, to remove any harmful traditional behaviours and to engage with the mass media to improve a favourable, quasi, and unbiased representation of women. It can be seen that, the disturbing occurrence of both domestic and cross-border prostitution, the lack of protection and assistance accessible to women who are vulnerable to exploitation and sex trafficking⁴, and the absence of measures to address the core causes. This suggests that there is need of prosecution of prostituted women as a result of anti-trafficking actions like gang busts and rescue squads (Rao, 2005).

In the above section, law is suggested to make sure that kingpins are efficaciously probed, taken to court, and penalized, as well as retrieve data in order to identify effective methods on early recognition, and provide help and support for, trafficking victims, who include western women, and offer them with effective solutions. Next is, regardless of their ability to take the stand against kingpin, trafficking women should have access to protective custody, good medical treatment, free consultation, and welfare services, alternative livelihood endeavours and reunification into the system of education and employment market, as well as safe housing and legal assistance⁵. Moving on to the diminishing involvement of women in labour market of various socio - economic regions, as well as the status of women working in the informal sector like agricultural, household, and domestic works are not protected by the Labour regulations and other forms of social security. Simultaneously, the gender-based salary disparity suggesting that women⁶ earn only 50-70% of what men earn. Indeed, the newly passed Sexual Harassment of Women at Workplace provides provisions for prevention, prohibition, and redress to the factors that jeopardize its effectiveness, such as mandating mediation as a preparatory step, which lacks an efficient grievance process for domestic helpers and the Government has not accepted the Domestic Workers Convention of 2011. Thus, the government should decide about the domestic helpers, as well as ensuring that the laws of the Sexual Harassment of Women at Workplace - Prevention, Prohibition, and Redressal Act be examined and implemented on domestic helpers⁷ (Hellum & Aasen, 2013).

⁴ It is worrying, however, that just 4% of GDP is spent on education, that girls with disabilities and minorities continue to have poor participation rates, and that the dropout rate among teenage girls is as high as 64%, rendering them especially vulnerable to child marriage. The poor retention and completion rates of females in secondary school, which are caused by early marriage, harmful habits, and poverty, particularly in rural regions are quite alarming.

⁵ The government must create one-stop crisis centres that provide free and prompt access to medical care, psychiatric counselling, legal help, shelters, and other support programs to women and girls who have been victims of violence and rape.

⁶ The statistics reveal that women own only 9% of the land.

⁷ The government encourages the Governing Party to enhance the National Commission for Women in conformity with the principles linked to the promotion and protection of human rights.



It is necessary to note that the Government should provide better reach of maternal health care services, to reduce elevated rate of maternal deaths in some states, as well as the higher incidence of deaths due to unsafe termination of pregnancy, accessibility to safe and legal abortion, post-miscarriage care, and quality management for the problems caused by unsafe abortion. Additionally, people need sufficient funding on medical care, equal maternity care, without discrepancies between cities and suburbs, availability of advanced contraceptives, such as contraceptives to prevent unplanned pregnancy, awareness and knowledge on sexual and reproductive health services, contingent prenatal incentives, and accurate methods of reporting caused due to maternity deaths. Therefore, a mandatory law is required for women to provide health care services in all states irrespective of their economic background, report maternal deaths and a system to monitor the health care services (United Nations. Office of the High Commissioner for Human Rights, International Bar Association, 2003).

Basic rights of women denied

Another issue regarding discrimination against women in India is the predominance of traditions and social customs that restrict rural people, particularly those belonging to lower castes and communities, from inheriting land and other property rights. In particular, rural women and, people living in rural areas encounter challenges in acquiring healthcare and welfare services and their involvement in community decision-making mechanisms. Besides, rural women are disproportionately impacted by undernourishment, poverty, limited access to natural resources, safe drinking water, and sources of credit. Further, a strict law is required to eliminate traditional conventions that impede rural women from owning and obtaining land, as well as fully exercising their rights on ownership of property. To elaborate, women from tribal communities confront additional impediments to accessing justice as a result of lack of legal literacy, inability to understand their basic rights, and restricted access to legal assistance. Similarly, due to economic, social, and physical roadblocks, tribal women encounter difficulty in obtaining antenatal and prenatal health care services. In the same way their lack of knowledge about birth certificate procedures because of governmental and economic barriers preventing them from registration of births and acquiring birth records for their children. The evidence highlights those legal services and authorities are required to develop law literacy programs, create knowledge of all legal actions accessible to people from underprivileged tribes, and observe the effectiveness of such initiatives⁸ (Hellum & Aasen, 2013).

⁸ The government shall provide medical and health care professionals with training to guarantee that tribal women receive treatment from trained health-care providers. Also, increase public awareness campaigns and take special steps to ensure that women from scheduled tribes are aware of and have access to the processes for registering births and getting birth certificates.



This section identifies that woman with intellectual or psycho - social impairments are refused with legal authority and dedicated to establishments without their permission and without resorting to any constructive remedy. However, a bill on the rights of people with incapacities is currently before Parliament. But it is especially worried that women with intellectual impairments are sterilized against their will. On the contrary, women with disabilities encounter higher levels of poverty, absence of quality education, no work opportunities, and poor medical services, particularly in rural areas, where people encounter multiple difficulties, along with insufficient access to the public and utility services and are frequently harassed in public and exempted from decision-making mechanisms. Notwithstanding, the paucity of anonymised statistics on disabled people, as well as the responses to crimes against women with impairments need to take into consideration the kind of disability, whether physical, sensory, or cognitive. Correspondingly, enactment of the bill on the rights of people with disabilities with a particular section to safeguard girls and women with mental retardation from compulsory abortion. As well as to revoke and explicitly forbid laws pertaining to and prohibiting disability-based custody of women, including hospitalisation, and forced admission to mental hospitals. Whereas the law should support advocacy by and on behalf of disabled women and girls⁹ (Agnes & Basu).

Following this, the Prohibition of Child Marriage Act has resulted in a decline in the number of incidents of child marriages. Subsequently, the Government should respect article 16 (2)¹⁰ has still not been rescinded. To be more precise, high incidence of such nuptials and the requirement for victims of child marriage to submit a plea with a judiciary to have the marriage dissolved within two years of attaining the age of maturity. It can be seen that courts frequently approve weddings of minor girls based on Islamic legal codes, and that no laws requiring the reporting of such nuptials in the government has been passed. As a consequence, the court shall legalize mandatory registration of all marriages, and to consider removing its declaration respecting article 16 (2) of the Convention¹¹. In the same way, the court shall dissolve all child nuptials and to guarantee that the Protection of Children from Sexual Offenses Act applies to early marriage. To elaborate, the government is concerned about the existence of numerous judicial systems in the matrimonial and family relationships, which apply to different ethnic and religious groups, resulting in profound and enduring

⁹ The government must ensure that number of girls enrolled in secondary and higher education levels in all states, including from marginalized groups.

¹⁰ According to Article 16 (2) of the UN Convention "States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence, and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive."

¹¹ The government should increase efforts to promote awareness about the ban of child marriage and the negative impacts of the practice on girls' health and education, as well as to investigate, prosecute, and punish cases of forced and early marriage.



gender discrimination¹². Importantly, it is worried about the Special Marriage Act's procedural demands, which effectively prevent couples, particularly women, from requesting permission to marry and register nuptials. Furthermore, the marital property is controlled by a separate property regime, which means that women are not granted their rights to the property acquired during wedding, so the proposed reforms to the Special Marriage Act and Hindu Marriage Act provide only a restricted and optional choice for distributing marital assets. Hence, it is necessary to review the present legislation on spousal property ownership in order to guarantee that women receive their fair share of marital assets (Hellum & Aasen, 2013).

Conclusion

From this it could be suggested that legislative authority has to include a comprehensive law on discrimination against women in India with the principles of equality between men and women. Besides, to implement special laws to impose stricter penalties on acid attack offenders, to restrict the sale and distribution of acid compounds, and to launch massive awareness campaigns about the offensive nature of such assaults. Further, the police should be efficient and ensure that officers fulfil their duty to protect women and girls from violence and are held responsible. Moreover, the standardized methods for police in each state on gender-based interrogations and rehabilitation of victims and witnesses should be adopted, and to make sure that first information reports are filed. In view of this an effective law is required to monitor and measure the efficiency, validity, and influence of legislation to address sexual abuse. Along with an appropriate allocation of fund for the rapid enactment of law against sexual violence, as well as the formation of special courts, grievance processes, and support systems contemplated by such legislation in a timely way. Evidently, the law must rewrite the Immoral Traffic Prevention Act to include measures for the prevention of trafficking in women and girls, as well as the economic and emotional rehabilitation of victims. Nonetheless, despite legal safeguards and a slew of laws, gender discrimination and unfairness persist. This is mostly due to the fact that individuals who execute or interpret the laws do not always completely share the idea of gender equity. In short, the government is taking significant initiatives to improve the situation of women in India and claims that women in India have full equality with males, yet women in India have suffered in past and continue to endure different forms of injustice and discrimination.

¹² Moreover, it expresses discomfort over the continued unwillingness to reassess the principles of non-interference in the private affairs of people without their initiative and agreement, as well as remove its statements on articles 5 (a) and 16 (1) of the Convention.



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