CHAPTER-II

Human Rights and Women: International and National Instruments

This Chapter has been divided in two parts. In Part- A, an attempt has been made to study the United Nation's efforts in laying down the standards for protection of rights of women. Various rights conferred to women by various international conventions and declarations as human rights are discussed in details. Part-B deals with the rights of women in India. In this Part, rights and privileges of women conferred by the Indian Constitution are discussed. Besides Various legislations relating to women for the protection and promotion of their rights are discussed and analysed in great details.

Part-A

Women's Human Rights and the United Nations:

Women's rights or women's human rights in the world scenario developed tremendously during post war period with the establishment of the United Nations Organization (UNO) in 1945. The Preamble of the United Nations Charter, adopted in 1945, reaffirms "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". The Charter recognises that one purpose of the United Nations is "to achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion".[1] Similar provisions are also embodied in the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) and on Economic, Social and Cultural Rights (1966), which together make up the International Bill

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[1] Sen, I. (2005). *Human rights of minority and women's*. Delhi: ISHA Books, p.2.

of Human Rights, the fundamental international instrument in the field of human rights.[2] Apart from the general human rights instruments, efforts have also been taken to specifically address issues relating to women's rights. In 1946, the United Nations Commission on the Status of Women was established in order to monitor the situation of women and to promote women's rights. The commission examined the areas in which women are denied equality with men.[3] Its efforts for the advancement of women resulted in several declarations and conventions, some of which are detailed here.

Convention on the Political Rights of Women, 1952

This Convention, which was adopted as General Assembly Resolution 640(VII) of 20 December 1952, entered into force on 7 July 1954. The Convention is generally aimed at implementing the principle of equality of rights for men and women contained in the UN Charter, with a specific focus on political rights.

As per the terms of this Convention, women are to be on equal terms with men, without any discrimination, in being entitled:

- To vote in all elections (Article I).
- To be eligible for election to all publicly elected bodies, established by national law (Article II).
- To hold public office and to exercise all public functions, established by national law (Article III).[4]

Convention on the Nationality of Married Women, 1957

This Convention, which was adopted as General Assembly Resolution 1040 (X1) of 29 January 1957, entered into force on 11 August 1958. The Convention aims to implement the provision

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[2] Reanda, L. (May, 1981). Human rights and women's rights: The United Nations approach. *Human Rights Quarterly*, *3*, (2), p.11.
[3] Marks, S. P. (2004). *The right to development: A primer*. New Delhi: Sage Publications, p.108.
[4] Ibid, p.109.

contained in Article 15 of UDHR, which states that 'everyone has the right to nationality' and that 'no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality'. The Convention provides that:

- Neither the celebration nor the dissolution of a marriage between the nationals of two different states, nor a change of nationality by the husband during marriage, shall automatically affect the nationality of the wife (Article 1).
- Neither the voluntary acquisition of the nationality of another state nor the renunciation of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national (Article 2).
- The alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged naturalisation procedures, subject to the interests of national security or public policy (Article 3.1).[5]

Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)

Article 16 of the UD declared that men and women of full age have the right to marry and found a family, and that the marriage should be entered into only with the free and full consent of both spouses. This principle was developed into treaty law by the by the Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (opened for signature and ratification by General Assembly Resolution 1763 (XVII) of 7 November 1962 and it entered into force on 9 December 1964).[6] Article 1(1) of the Convention provides that No marriage shall be legally entered into without the full and free consent of both parties, such consent to be

[5] Ibid, pp.109-110.
[6] Elder, G. B. (1986). The rights of women: Their status in international law. *Crime and Social Justice*, *25*, p.18.

expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.[7] According to Article 2, States Parties to the present Convention shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.[8] Besides these it is also stated that all marriages shall be registered in an appropriate official register by the competent authority (Article 3).[9]Hence the Convention is an important step to promote the right of women in the field of marriage and thereby protect them from any premarital exploitation.

Declaration on the Elimination of Discrimination against Women (1967)

This declaration, adopted as General Assembly Resolution 2263 (XXII) of 7th November 1967, incorporates the provision of both the earlier women's conventions and aims to eliminate all forms of discrimination against women in general. It aims to promote equal rights for men and women (Preamble). [10] The Declaration states that discrimination against women, denying or limiting the equality of their rights with men, is fundamentally unjust and constitutes an offence against human dignity (Art. 1).[11] It guarantees for women, on an equal footing with men: legal protection of their rights (Art. 2); eradication of prejudice and the abolition of practices which are based on the idea of the inferiority of women (Art. 3); political rights such as voting and holding public office (Art. 4); rights of nationality (Art. 5); civil rights

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[7] Office of the High Commissioner for Human Rights. *Convention on the consent to marriage, minimum age for marriage and registration of Marriages*, Retrieved on 11 September, 2014 from http://www.ohchr.org /EN/ProfessionalInterest/Pages/ Minimum AgeForMarriage.aspx.
[8] Ibid.
[9] Ibid.
[10] Marks, S. P., Op. Cit., p.108.
[11] Elder, G. B. Op. Cit., p.19.

relating to property and marriage (Art. 6); rights relating to education (Art. 9); rights in economic and social life (Art. 10).[12] Besides, the convention in its Article 8 states that all appropriate measures, including legislation, shall be taken to combat all forms of traffic in women and exploitation of prostitution of women. In conclusion, Article 11 provides that the principle of equality of rights between men and women demands implementation in all states in accordance with the UN Charter and the UD. It also urges governments, NGOs, and individuals to do all in their power to promote the implementation of these principles.[13]

This Declaration was a watershed in the UN's quest for women's equality. The work done in the area of law by the CSW and other bodies since 1945 in the shape of various conventions and declarations was now transformed into a single code- a progression in method, thought and concept. The declaration, while it is not law, is directed to public opinion as much as to governments. It established international norms. It was a call to action.[14]

Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974)

This Declaration, adopted as General Assembly Resolution 3318 (XXIX) of 14 December 1974, was adopted to address the sufferings of civilian women and children who in periods of emergency and armed conflict are the victims of inhuman acts. The Declaration condemns and prohibits attacks and bombings on the civilians population, inflicting sufferings, especially on women and children (Para 1); condemns the use of chemical and bacteriological weapons in the course of military operations (Para 2); directs states to abide fully by all their obligations under existing instruments of international law

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[12] Marks, S. P. Op. Cit., p.110.
[13] Elder, G. B. Op. Cit., p.19.
[14] Jain, D. (2006). *Women, development and the UN: A sixty-year quest for equality and justice*. Hyderabad: Orient Longman, p.46.

relative to respect for human rights in armed conflicts, which offer important guarantees for the protection of women of children (Para 3); directs all states to spare women and children from the ravages of war, i.e., all necessary steps are to be taken to ensure the prohibition of measures such as persecution, torture, punitive measures, degrading treatment and violence, particularly against women and children (Para 4); directs that all forms of repression and cruel and inhuman treatment of women and children, including imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings and forcible eviction committed in the course of military operations or in occupied territories be considered criminal (Para 5); civilian women and children in circumstances of emergency and armed conflict or who live in occupied territories, are not to be deprived of shelter, food medical aid or other inalienable rights (Para 6).[15]

World Conference of the International Women Year in Mexico City, 1975

The General Assembly of UN proclaims 1975 as International Women Year. The major themes (objectives) of the proclamation of the year were - i) to promote equality between men and women, ii) to ensure the full integration of women in the total development effort, especially by emphasising the women's role in economic-social and cultural development at the national, regional and international level, iii) to recognise the importance of women's increasing contributions to the development of friendly relations and co-operation among states and to the strengthening of world peace.[16]

In 1975, the world conference on the status of women also known as First World Conference on Women was held in Mexico City during International Women's Year. The main objectives of the

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[15]) Marks, S. P., Op. Cit., p.111.
[16] Elder, G. B. Op. Cit., p.24.

conference were attainment of full gender equality and the integration of women in development and the overall advancement of women in different fields. The conference adopted. (i) The Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace 1975. (ii) the World Plan of Action for the Implementation of the Objectives of the International Women's Year (iii) regional plan of action; (iv) 35 resolutions and (v) decision recommending the observance of United Nation Decade for Women and the convening of a second world conference in 1980.

There are 30 resolutions (principles) in the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace, 1975. Some of the important principles are:

- Equality between men and Women;
- Equal rights and responsibilities in family and society;
- Equal access to education and training;
- The right to work and equal pay for work of equal value;
- Every couple and every individual has the right to decide freely and responsibly whether or not to have children as well as to determine their number and spacing, and to have information, education and means to do so;
- The right of every woman to decide freely for herself whether or not to contract matrimony;
- The right to participate in and contribute to the development effort;
- The full participation of Women in the economic, social and cultural sectors;
- The role of Women in promotion of international cooperation and peace;
- Women and men together should eliminate colonialism, neo-colonialism, imperialism, foreign domination and occupation, Zionism, apartheid, racial discrimination, the acquisition of land by force and the recognition of such acquisition, since such

practices inflict incalculable suffering on women, men and children;

- The need to eliminate violation of human rights committed against Women and girls such as rape, prostitution, physical assault, mental cruelty, child marriage, forced marriage and marriage as a commercial transaction.[17]

The World Plan of Action adopted by the Conference noted that the promotion and protection of human rights for all was one of the fundamental principles of the UN Charter and that "history has attested to the active role which women played…in accelerating the material and spiritual progress of people". An overly optimistic fourteen-point list of five year minimum goals was set forth, including:

- Marked increase in literacy and civic education of women;
- encouragement of a greater participation of women in policy making ;
- increased provision for health education and services;
- provision for parity in the exercise of civil social and political rights such as those pertaining to marriage citizenship and commerce;
- recognition of the economic value of women's work in the home in domestic food production and marketing and voluntary activities;
- the promotion of women organisations;
- the development of modern rural technology to help reduce the heavy work load of women and;
- the establishment of interdisciplinary and multisectoral machinery within the government for accelerating the

[17] United Nations (1976). *Report of the world conference of the international women's year*. New York: United Nations, pp-4-7, Retrieved on 16th September, 2014 from http://www.un.org/womenwatch/daw/beijing/otherconference/Mexico/Mexico%20conference%20report%20optimized.pdf.

achievement of equal opportunities for women and their full integration into national life.[18]

The Plan called for the "active involvement of non-governmental organisations (to achieve) the goals of the ten-year World Plan of Action." In the global action section, the plan called on the United Nations to Proclaim 1975 to 1985 the UN Decade for Women; also, it called for the drafting and adoption of a convention on eliminating discrimination against women. In another section, the plan stated that the theory and practice of inequality begins in the family and called for more equal sharing of family responsibilities between men and women. Without the latter, the plan stated, women could not be fully integrated in society or achieve equal rights. Also, without more data and information on women, development could not proceed.[19]

Further, the discussion and decisions in the Mexico City Conference led to the establishment of International Research and Training institute for the Advancement of Women and Creation of the United Nations Development Fund for Women to provide the institutional framework for research, training and operational activities in women's development studies.

International Decade for Women (1976-1985)

As a result of the World Conference held in Mexico City in 1975, the UN formally declared 1976-1985 as the Decade for Women. The Decade focussed on its theme-equality, development and peace and called for a number of activities to provide women justice and equality. Some of the important events that developed to promote and protect women's rights during this period are: a) Adoption of Convention on the Elimination of All Forms of Discrimination against Women

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[18] Fraser, S. A. (2003). Becoming human: The origins and development of women's rights. In Marjorie Agosin (Ed.), *Women, gender, and human rights: A global perspective*. New Delhi: Rowat Publication, p.51.
[19] Ibid.

(CEDAW, 1979);b) World Conference of Copenhagen (1980); and c) World Conference of Nairobi (1985).

Convention on the Elimination of All Forms of Discrimination against Women (1979)

The Convention on the Elimination of All Forms of Discrimination against women, adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a Preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.[20] The Convention came into force after sufficient number of ratifications in 1981.[21] The CEDAW has been ratified by 182 states as of June 2006.[22]

In its Preamble, the Convention explicitly acknowledges that despite the affirmation of equal rights of men and women in the UN Charter, the UDHR and the International Covenants, extensive discrimination against women continues to exist and emphasizes that such discrimination violates the principles of equality of rights and respect for human dignity. CEDAW is the first international human rights treaty to define discrimination against women. Article 1 of the Convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, social, cultural, civil or any other field".[23]

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[20] Haq, N. (2005). The United Nations and the elimination of discrimination against women. *The Indian Journal of Political Science*, *66*, (1), p-108.
[21] Merry, E. S. (Autumn, 2003). Constructing a global law- Violence against women and the human rights system. *Law and Social Justice*, *28*, (4), p.950.
[22] Saksena, A. (2007). CEDAW: Mandate for substantive equality. *Indian Journal of Gender Studies*, *14*, (3), p.482.
[23] United Nations. *Convention on the elimination of all forms of discrimination against Women,* Retrieved on17 September, 2014 from http:// www.un. Org/women watch /daw/cedaw/text/econvention.htm#intro.

Taking into consideration all these aspects, the parties to the Convention agreed to undertake steps to eliminate discrimination against women in all forms. The State Parties shall incorporate the principle of equality of men and women in their national constitutions; to adopt appropriate legislative and other measures , including sanctions where appropriate, prohibiting all discrimination against women; to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; to take all appropriate measures to eliminate discrimination against women by any person , organisation or enterprise; to take all appropriate measures including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; to repeal all national penal provisions which constitute discrimination against women.[24]

The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"(article 3).[25] Special temporary measures to accelerate de facto equality are not to be considered discriminatory, and are to be discontinued when objectives of equality and treatment have been achieved (Article 4).[26] Article 5 requires states to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all

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[24] Ibid.
[25] Ibid.
[26] Ibid,

other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.[27] The implication of this article is that discriminatory cultural, traditional, or religious practices may be harmful to women and girls and that government is responsible to take steps to modify or eliminate them.

Article 6 requires the adoption of legislative or other measures to suppress all forms of traffic in women and exploitation of prostitution of women. The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article 7 of the present document, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (article 8). The Convention on the Nationality of Married Women - adopted in 1957 - is integrated under article 9 providing for the statehood of women, irrespective of their marital status. The Convention, thereby, draws attention to the fact that often women's legal status has been linked to marriage, making them dependent on their husband's nationality rather than individuals in their own right. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". In article 16, the Convention

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[27] Ibid.

returns to the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.[28]

Article 17 to 22 of the Convention outlines the structure and functions of the CEDAW Committee that monitors the implementation of the Convention. Article 21 of the Convention empowers the CEDAW Committee to make suggestions and general recommendations based on the examination of reports and information received by state parties. As of January 2004, the Committee has adopted 25 general recommendations. Those adopted during the Committee's first 10 years were short and modest, addressing issues such as content of reports and reservations to the Conventions. At its 10th session in 1991 the Committee decided to adopt the practice of issuing general recommendations on specific provisions of the Convention and on the relationship between the Convention and what the Committee described as 'cross-cutting themes'. Following this decision, CEDAW issued more detailed and comprehensive general recommendations on substantive matters covered by the Convention, which offers state parties clear guidance on the application of the Convention in particular situations (CEDAW 1991). General Recommendation no. 19 (1992) concerning violence against women and General Recommendation No.21 (1994) on equality in marriage and family relations are examples of the trend of adopting focussed and detailed recommendations.[29] The Convention on the Elimination of All Forms of Discrimination has no specific provision on violence. The Committee on the Elimination of Discrimination against Women has identified this omission as a major obstacle to women's enjoyment of the rights guaranteed within the Convention. In 1989 Committee recommended that states should include information about violence in their reports and, in General Recommendation 19, it went further.

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[28] Ibid.
[29] Saksena, A., Op. Cit., p.486.

Recommendation 19 directs states' attention towards the elimination of violence as part of the legal obligations incurred through ratification of the Convention, stating that 'discrimination includes gender based violence' and that ' gender based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights freedoms on a basis of equality with men'.[30]

Recommendation 19 analyses the Women's Convention from the perspective of how violence impairs women's physical and mental health, and thus undermines the implementation of the requirements of the Convention. The Recommendation contains a number of specific pointers for states, for example, that they should provide protective and support services for women, and introduce gender-awareness training for public officials.[31]

Optional Protocol to CEDAW (1999)

One of the main weaknesses of the enforcement procedure of the Convention was the absence of a right of individual petition. Little attention was paid to the possibility of an individual complaints procedure during the drafting of CEDAW for a number of reasons. The subject matter of the convention was considered by some states to be insufficiently serious to merit a right to individual petition, while others were concerned about proliferation and the lack of evidence of the success of other individual petition procedures. At its 1992 session, the CEDAW Committee began to press for the introduction of an Optional Protocol that would establish a right of individual petition to the Committee. The issue gained momentum following the Vienna Conference, and in 1994 an expert group meeting in Maastricht produced a draft Optional Protocol. On 12 March 1999, at the 43rd session of the Commission on the Status of Women, the Optional

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[30] Chinkin, C. (June, 1995). Violence against women: The international legal response. *Gender and Development*, *3*, (2), p-25
[31] Ibid.

Protocol to CEDAW was adopted by consensus. On 6 October 1999 the UN General Assembly, acting without a vote, adopted the 21-Article Protocol. It came into force on 22nd December 2000 following 10 ratifications. As of March 2006, it has been signed by 79 states and ratified by 59.[32] The Optional Protocol does not create any new rights, but provides a new enforcement mechanism for existing rights available under CEDAW.

The Preamble of the Optional Protocol put forward the object and purpose of the Protocol and refers to the principle of equality and non-discrimination as embodied in UDHR, CEDAW and other international human rights instruments.[33] A State Party to the present protocol recognises the competence of the Committee on the Elimination of violence against Women to receive and consider communications submitted in accordance with article 2 (Article 1).[34] Article 2 of the Protocol provides "communication may be submitted by or on behalf of individual or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party".[35] Article 4(1) of CEDAW Optional Protocol provides that the 'Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted, unless the application of such remedies is unduly prolonged or unlikely to bring relief'.[36] Article 8(1) and (2) gives the CEDAW Committee the right to launch an inquiry on its own initiative into grave or systematic violations by a state party. The Committee may designate one of its members to launch an inquiry where warranted and with the consent

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[32] Saksena, A., Op. Cit., pp.489-490.
[33] United Nations. *Optional protocol to the convention on the elimination of all forms of discrimination against Women*, Retrieved on 18th September, 2014 from http:// www.ohchr.org/EN/ProfessionalInterest/Pages/OPCEDAW.aspx.
[34] Ibid.
[35] Ibid.
[36] Saksena, A., Op. Cit., pp.490-491.

of the state party the inquiry may even include a visit to its territory.[37] However, the Protocol includes an 'opt-out clause', allowing state upon ratification or accession to declare that they do not accept the inquiry procedure. The Protocol does not allow any reservations.

Thus, the Optional Protocol to the CEDAW is a step forward in respect of the development of women's human rights instrument of the UN. In addition to improving the understanding of rights and obligations in CEDAW, the jurisprudence emerging from the Optional Protocol will help in developing progressive interpretation of women's rights at both national and international levels.

Second World Conference on Women (Copenhagen) (1980)

From July 14 to 30, 1980, another World Conference was held in Copenhagen.[38] The First Part of the Conference concerned with review and evaluation of the progress made and obstacles encountered in attaining the objectives of the Decade at the national regional and International level from 1975 to 1980. In addition it considered the impact of apartheid on Women in southern Africa and the effects of Israeli occupation on Palestinian Women inside and outside the occupied territories. It was realized that the World Action Plan could not be realized within a short span of time.

The Second Part, of its work was concerned with formulating "the program of action for the second half of the United Nations Decade for Women, 1980-1985". The program of action so formulated laid emphasis upon the promotion of three main objectives i.e. equality development and peace, with special concern for employment, health and education as they constitute important factors in the process of development. Keeping in view, that human resources cannot attain their full potential without integrated socio-economic

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[37] Ibid, p.491.
[38]. Anand, V. K. (2008). *Human rights*. Haryana: Allahabad Law Agency, p.195.

development emphasis was laid upon the development by removing those constraints which hamper the Women's full and equal participation in the development. It was also emphasized that those problems of under development and of the socio-economic structure which place Women in an inferior position should be solved.

The importance of this Conference lies in the fact that it made, on one hand, constructive contribution by appraising the progress achieved and the obstacles encountered in the implementation of the objectives of the decade and prepared and adopted, on the other hand, a program for the next five Years.

World Conference to Review and Appraise the Achievements of the United Nations Decade for Women (Nairobi, 1985)

The World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace was held at Nairobi from 15-26 July, 1985, in conformity with General Assembly Resolution 39/129 of 14 December 1984.[39] The members present in the Conference agreed that though substantial progress had been made during UN Decade for Women there were still a great deal to be done for women. The main focus of the Conference was on the violence against women.

Declaration on the Elimination of Violence against Women (1993)

In December 1993, the General Assembly adopted the Declaration on the Elimination of Violence against Women. This Declaration is a comprehensive document outlining the responsibility of governments, international organisations, and NGOs in eliminating

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[39] United Nations (1986). *Report on the world conference to review and appraise the achievements of the United Nations decade for women: Equality, development and peace*. New York: United Nations, p.95. Retrieved on 19th September, 2014 from http://www.un.org/womenwatch/daw/beijing/otherconferences/Nairobi/Nairobi%20Full%20Optimized.pdf.

violence against women. The Declaration on the Elimination of Violence against Women defines *violence against women* broadly to include more than just physical aggression. Violence against women shall be understood to encompass, but not be limited to, the following:

1) Physical, sexual, and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation, and other traditional practices harmful to women, nonspousal violence, and violence related to exploitation;
2) Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment, and intimidation at work, in educational institutions, and elsewhere, trafficking in women and forced prostitution;
3) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.[40]

Fourth World Conference on Women (Beijing) (1995)

The importance of the issue of violence against women in the international community was reiterated at the United Nations Fourth World Conference on Women in Beijing, China in 1995). At the Beijing Conference, the United Nations reaffirmed that women's rights are human rights and that violence against women is a human rights violation. In the Beijing Declaration and Platform for Action, the United Nations identified violence against women as among 12 critical areas of concern for women around the world. This document includes comprehensive recommendations to states, international

[40] Bond, J. & Phillips, R. (2001). Violence against women as a human rights violation. In Claire M. Renzetti, Jeffery L.Edleson & Raquel Kennedy Bergen (Eds.), *Sourcebook on violence against women*. New Delhi: Sage Publications, pp. 489-490.

organisations, and NGOs for the elimination of violence against women.[41]

Thus, the United Nations from the time of its setting up has been lively in advancing the rights of women. The United Nations has committed itself not only to captivating the universal recognition of women's equal rights in law, but also to exploring ways of giving all women equal opportunities and to exercise their rights.

Part-B

Women's Rights in National Perspective

It is clear from the above discussion that the rights of women as human rights, the protection of promotion of human rights of women and the elimination of discrimination against women has occupied a very important place in UNO.

Indian Constitution has undeniably envisaged detailed provisions to protect the rights of women. The Preamble, the Fundamental Rights, the Directive Principles of State Policy and Fundamental duties have clearly revealed the provisions of restoring human rights of women in India. The Preamble to the Constitution resolves to secure to its citizens, including women, social, economic and political justice, and liberty of thought, faith, belief and worship, equality of status and opportunity and fraternity assuring the dignity of the individual.

Article 15(1) mandates that State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Article 15(3) provides the State to make any special provision in favour of women and children. Article 16 mentions equality of opportunity for all citizens in matters relating to

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[41] Ibid, 493.

employment or appointment to any office under the State. Art 21 imbibes the principle of natural justice and fairness and confers on every person the fundamental right to life and liberty. The Constitution prohibits traffic in human being and other forms of forced labour.[42] A collective reading of these fundamental rights provides the basis for legal equality of women in India.

Apart from these rights, the Directive Principles of State Policy, which embodies the goals of a Welfare State, also contain certain specific items affecting women's rights.

Some of the Directive Principles of State Policy in the Constitution contain provisions for the protection and promotion of the rights of women. It provides (a) that the citizen men and women have the right to an adequate means of livelihood.[43] (b) that there is equal pay for equal work for both men and women.[44] (c) that the health and strength of workers, men and women are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age and strength.[45] Article 42 states that the State to make provision for securing just and humane conditions of work and for maternity relief. Article 44 provides that the state shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India. The constitution also provides that it will be the duty of every citizen of India to renounce practices derogatory to the dignity of women under.[46]

The 73rd and 74th Amendments to the constitution which were effected in 1992 provide for reservation of seats to women in elections in the Panchayats and the Municipalities. Under Article 243 (D) of the constitution not less than one third of the total number of seats to be

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[42] The Constitution of India, Article 23.
[43] The Constitution of India, Article 39(a).
[44] The Constitution of India, Article 39(d).
[45] The Constitution of India, Article 39(e).
[46] The Constitution of India, Article 51 (A) (e).

filled in direct election in every Panchayat shall be reserved for women. Such seats may be allotted by rotation to different constituencies in a panchayat and not less than one third of total number of offices of Chairpersons in the panchayat at each level shall be reserved for women. Similar provision has been made in Article 243 (T) for reservation of seats to women in the direct elections to every Municipality. Thus there is a reservation of 33% seats for women in local bodies.[47]

Thus, it can be seen from the above discussion that Constitutional provisions are very affirmative for the protection and promotion of women's rights, and the State is duty bound to apply these principles in taking policy decisions as well as in enacting laws.

Laws Relating to Women in India

The constitutional provisions alone are not sufficient to eliminate the discrimination against women and give them equal rights and opportunities. The Constitution of India embodies and upholds the equal rights of women and the Indian legislation has been framed along the same lines. The inclusion of the principle of equality before the law in the Constitution paved the way for the passing of diverse laws and measures for the improvement of the status of women in the following years. Numerous laws have been enacted since independence with the aim to give women equal rights and opportunities with men in all spheres of life and to protect women from any discrimination. In the following paragraphs some of the important legislations relating to women are discussed:

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[47] Anand, V.K., Op. Cit., p.202.

The Factories Act, 1948

Under Factories Act, 1948, women are given special safeguards and protection. The Act prohibits women working on or near machinery in motion.[48] No women 177 shall be allowed to clean, lubricate or adjust any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose the women to risk of injury from any moving part either of that machine or of any adjacent machinery.[49] The Act also prohibits employment of women and children near cotton- openers. No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work.[50] According to section 42 (1) (a) and (b) adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein; and separate and adequately screened facilities shall be provided for the use of male and female workers. However, the Act provides that such facilities shall be conveniently accessible and shall be kept clean.[51] Further, it says that no woman shall be required or allowed to work in any factory between the hours of 6 a.m. and 7 p.m. However, the State Government may by notification in the official gazette, in respect of any factory or group or class or description of factories, vary the limits pertaining to night duties but no such variation shall authorise the employment of any woman between the hours of 10 p.m. and 5 p.m.[52]

The Special Marriage Act, 1954

This is an Act of the Parliament enacted to provide a special form of marriage for the people of India and all Indian nationals in

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[48] The Factories Act, 1948, Section 22.
[49] The Factories Act, 1948, Section 22 (2).
[50] The Factories Act, 1948, Section 27.
[51] The Factories Act, 1948, Section 42 (1) (c).
[52] The Factories Act, 1948, Section 66(1)(b).

foreign countries, irrespective of differences of religion. The Act allows all communities to get their marriages registered.

The Hindu Marriage Act, 1955

Hindu marriages are governed by the Hindu Marriage Act 1955. Hindu Marriage which was considered to be a religious duty and a sacrament has undergone a change and it has lost its religious sanctity under the Hindu Marriage Act, 1955, which came into force on 18th May, 1955.The Act is exhaustive. It is a historic social legislation and provides conditions for a valid Hindu Marriage.[53] Section 5 of the Hindu Marriage Act lays down the conditions for a valid marriage. The important conditions are-

- Monogamy- neither party should not have living spouses at the time of their marriages.[54]
- Consent- Marriage can only take place with the full consent of both boy and girl.[55]
- Marriage Age- The age of the bridegroom must be eighteen years and that of bride as fifteen years but by the Child Marriage Restraint (Amendment) Act, 1978 the words "eighteen" and "fifteen" stand substituted by twenty one and eighteen respectively.[56] At present for a valid marriage the bridegroom must have attained the age of 21 years and the bride of 18 years at the time of marriage.

The Act also provides several grounds[57] like adultery, cruelty, desertion, conversion, unsoundness of mind, venereal disease, incurable leprosy, renunciation of the world, presumption of death and failure to comply with a decree of restitution of conjugal rights.

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[53]Tripathi, S. C. (2010). *Women and criminal law.* Allahabad: Central Law Publications, p.181.
[54] The Hindu Marriage Act, 1955, Section 5(i).
[55] The Hindu Marriage Act,1955,Section 5(ii) (a).
[56] The Hindu Marriage Act,1955,Section, 5 (iii).
[57] The Hindu Marriage Act,1955,Section, 13.

The Immoral Traffic (Prevention) Act, 1956

This Act is enacted to provide in pursuance of the International Convention signed at New York on the 9th day of May, 1950, for the prevention of immoral traffic. The Act was amended in 1978 and in 1986 to make it more effective and stringent. In this Act, 'Brothel' is defined as including any house, room, conveyance or place, or any portion of any house, room, conveyance or place, which is used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes.[58] 'Child' is defined under the Act as a person who has not completed the age of sixteen years.[59] The Act also defines prostitution as sexual exploitation or abuse of persons for commercial purpose.

The Act also provides punishment for keeping a brothel or allowing premises to be used as a brothel.[60] If any person who keeps or manages, or acts or assists in the keeping or management of, a brothel, shall be punishable on first conviction with rigorous imprisonment for a term of not less than one year and not more than three years and also with fine which may extend to two thousand rupees and in the event of a second or subsequent to conviction with rigorous imprisonment for a term of not less than two years and not more than five years and also with fine which may extend to two thousand rupees.[61]

Section 4 of the Act provides for punishment on the earnings of prostitution. Section 5 provides for punishment to persons for procuring, inducing or taking persons for the sake of prostitutions. Detaining a person in premises where prostitution is carried on whether with or without his consent is also subject to rigorous

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[58] The Immoral Traffic prevention Act, 1956, Section 2 (a).
[59] The Immoral Traffic prevention Act, 1956, Section 2 (aa).
[60] The Immoral Traffic prevention Act, 1956, Section 3.
[61] The Immoral Traffic prevention Act, 1956, Section 3 (1).

punishment.[62] The Act further prohibits establishment and running of brothels near public places.[63] Thus the Act is mainly intended to punish brothel keepers and the persons those who are involved in the trafficking of women for the purpose of prostitution.

Maternity Benefit Act, 1961

Article 42 of the Constitution of India, 1950 imposes obligation upon the State to make provision for securing just and humane conditions of work and for maternity relief. In view of this constitutional obligation the Parliament has passed the Maternity Benefit Act, 1961. This is an Act to regulate the employment of women in certain establishments for certain periods before and after child birth and to provide for maternity benefit and certain other benefits.

Under this Act employment of or work by women is prohibited during certain period.[64] Women should not be employed in any establishment within six weeks from the date of her delivery or miscarriage or medical termination of pregnancy.[65] Every woman shall be entitled to the payment of the maternity benefit at the rate of the average daily wage for the period immediately preceding the date of delivery and the period immediately following that day. She will be entitled to the benefit only if she has actually worked for a period of not less than 80[66] days in the preceding 12 months. The maximum period for which any woman shall be entitled for maternity benefit shall be 12 weeks. However, it shall not be more than six weeks preceding the date of delivery.[67] The Act also provides for maternity benefit in case of death. If a woman entitled to maternity benefit or any other amount under this Act dies before receiving such maternity benefit, the employer shall pay such benefit or amount to the person

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[62] The Immoral Traffic prevention Act, 1956, Section 6.
[63] The Immoral Traffic prevention Act, 1956, Section 7.
[64] The Maternity Benefit Act,1961, Section 4.
[65] The Maternity Benefit Act,1961, Section 4 (1).
[66] Substituted by Amendment Act 61 of 1988, S.4, for 160 days (w.e.f.10-1-1989).
[67] The Maternity Benefit Act,1961, Section 5.

nominated by the woman and in case there is no such nominee to her legal representatives.[68] Thus the Act is welfare legislation for the benefit of women workers.

Dowry Prohibition Act, 1961

Dowry is a social evil and much of the violence against women is related to dowry. The Dowry Prohibition Act, 1961 enacted to check the evil practice of dowry in Indian society. Section 2 of the Act defines dowry as any property or valuable security given or agreed to be given either directly or indirectly- (a) by one party to a marriage to the other; or (b) by the parents of either party to a marriage or by any other person to either party to the marriage or to any other person, at or before "or any time after the marriage"[69], "in connection with the marriage of the said parties , but does not include"[70] dower or *mahr* in the case of persons to whom the Muslim Personal Law (*Shariat*) applies.

Section 3 of the Act provides for penalty for giving or taking of dowry. If any person gives or takes or abets the giving or taking of dowry, he shall be punished with imprisonment, which may extend to six months or with fine which may extend to five thousand rupees, or with both. It is to be noted here that the 1984 Amendment enhanced the punishment from 6 months to 2 years and with fine up to 10 thousand rupees or the amount of the value of such dowry, whichever is more. The 1986 Amendment Act further enhanced the imprisonment to five years and increases the rate of fine up to Rs. 15 thousand or the amount of the value of such dowry, whichever is more.

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[68] The Maternity Benefit Act,1961, Section 7.
[69] Substituted by Amendment Act 43 of 1986, S.2, for "or after the marriage" (w.e.f.19-11-1986).
[70] Substituted by Amendment Act 63 of 1984, S.2, for "as consideration for the marriage of the said parties, but does not include" (w.e.f.2-10-1985).

Section 4 provides for penalty for demanding dowry. If any person demands dowry he shall be punishable with imprisonment of not less than six months and fine up to five thousand rupees or both. The period of imprisonment is raised further by 1984 Amendment Act up to 2 years and rate of fine to 10 thousand rupees. Section 4-A has been introduced by the Amendment Act, 1986 to prohibit open lenders for dowry through advertisements or display of any present made at the lime of marriage in the form of cash, ornaments, clothes or any other articles.

Section 5 says that any agreement for the giving and taking of dowry is void and it shall not have any value in the eyes of the law. Section 6 makes dowry to be for the benefit of the wife or her heirs. The Act also provides for cognizance under the Act to be taken by a Metropolitan Magistrate or a Judicial Magistrate of the First Class upon its own knowledge or a police report or on complaint by aggrieved person, or a recognised welfare institution or organisation.[71] Section 8 of the Act provides for the offences to be cognizable, "non-bailable"[72] and non –compoundable. Section 8-A[73] states that where any person is prosecuted for taking or abetting the taking of any dowry under section 3, or the demanding of dowry under section 4, the burden of proving that he had not committed an offence under these sections shall be on him. Section 8-B[74] provides for appointment and functions of Dowry Officers. Section 9 provides for powers of Central Government to make rules and final Section of the Act Section 10 provides for power of State Governments to make rules.

The Medical termination of Pregnancy Act, 1971

This is an Act to provide for the termination of certain pregnancies by registered medical practitioners and for matters

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[71] The Dowry Prohibition Act, 1961, Section 7.
[72] Amendment Act 43 of 1986 has made offences non-bailable.
[73] Section 8-A inserted by Act 43 of 1986.
[74] Section 8-B inserted by Act 43 of 1986.

connected therewith or incidental thereto. Under Section 3 of this Act pregnancies may be terminated by registered medical practitioners under certain circumstances like (a) where the length of the pregnancy does not does not exceed twelve weeks[75], or (b) where the length of the pregnancy exceeds twelve weeks but does not exceeds twenty weeks, if not less than two registered medical practitioners are of opinion formed in good faith that[76]-

i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical and mental health;[77]

ii) there is substantial risk if the child was born, it would suffer from such physical and mental abnormalities as to be seriously handicapped.[78]

Further, where any pregnancy is alleged by the woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute grave injury to the health of the pregnant woman.[79] Besides, the anguish caused by pregnancy as a result of failure of any device or method used by any married woman or her husband for the purpose of limiting the number of children may be presumed to constitute grave injury to the mental health of the pregnant woman.[80] In all cases of termination of pregnancies of a girl below the age of 18 years or mentally ill the consent of her guardian in writing is required.

The Equal Remuneration Act, 1976

This Act provides equal wages for equal work. It provides for the payment of equal wages to both men and women workers for the same

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[75] The Medical Termination of Pregnancy Act, 1971, Section 3 (2) (a).
[76] The Medical Termination of Pregnancy Act, 1971, Section 3 (2) (b).
[77] The Medical Termination of Pregnancy Act, 1971, Section 3 (2) (i).
[78] The Medical Termination of Pregnancy Act, 1971, Section 3 (2) (ii).
[79] The Medical Termination of Pregnancy Act, 1971, Explanation 1 to Section 3.
[80] The Medical Termination of Pregnancy Act, 1971, Explanation 2 to Section 3.

work or work of similar nature. The Act further prohibits discrimination against women in the matter of recruitment.

The Family courts Act, 1984

An Act to provide for the establishment of Family Courts with a view to promote conciliation in, and secure speedy settlement of disputes relating to marriage and family affairs. Under Section 3 of the Act, family courts can be established in any town or city where the population exceeds one million or in any other area of a State as the State Government may deem it necessary to establish family courts. Under Section 7 of the Act, the Family Court has the power to reconcile or settle disputes relating to family matters such as nullity of marriage, declaration as to the validity of marriage, with respect to properties of the parties or either of them, with regard to legitimacy of children, guardianship and custody of the minor, the maintenance of wife etc.

The Indecent Representation of Women Act, 1986

This Act aims to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner. Section 3 of the Act prohibits advertisement containing indecent representation of woman through advertisements, paintings, writings, publications etc. Section 4 prohibits publication or sending by post of books, pamphlet etc., containing indecent representation of women- No person shall produce or cause to be produced, shall, let to hire, distribute, circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure which contains indecent representation of women in any form.

Penalty for contravention of the prohibitions under this Act— Section 6 provides that any person who contravenes the provisions of Section 3 or Section 4 shall be punishable on first conviction with

imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and in the event of a second or subsequent conviction with imprisonment for a term of not less than six months but which may extend to five years and also with a fine not less than ten thousand rupees but which may extend to one lakh rupees. Under Section 8 the offences are made cognizable but bailable.

The National Commission for Women Act, 1990

The National Commission for Women Act was enacted to constitute a National commission for Women in India. The important functions of the Commission are-a) to investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws[81], b) to present reports to the Central Government upon the working of those safeguards[82], c) to make recommendations for the effective implementation of those safeguards for improving the conditions of women[83], d) to review from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations[84], e) to take up the cases of violation of the provisions of the constitution and of other laws relating to women with the appropriate authorities[85], f) fund litigation involving issues affecting a large body of women[86], etc.

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[81] The National Commission for Women Act, 1990, Chapter (iii), Section (1) (a).
[82] The National Commission for Women Act, 1990, Chapter (iii), Section (1) (b).
[83] The National Commission for Women Act, 1990, Chapter (iii), Section (1) (c).
[84] The National Commission for Women Act, 1990, Chapter (iii), Section (1) (d).
[85] The National Commission for Women Act, 1990, Chapter (iii), Section (1) (e).
[86] The National Commission for Women Act, 1990, Chapter (iii), Section (1) (l).

The Pre-Conception and Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994

This Act was further amended by Act 14 of 2003 and renamed the Act as The Pre-Conception and Pre- Natal Diagnostic Techniques (Prohibition of Sex Selection). It is an act to provide for the prohibition of sex selection, before or after conception, and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female foeticide and other incidental and connected matters.

Pre-natal diagnostic tests can be conducted only in institutions registered under the Act[87] and only by persons having the qualifications prescribed under the Act.[88] Section 4 provides for regulation of pre-natal diagnostic techniques. Pre-natal diagnostic techniques can be used only under certain conditions. It can be used for the purpose of detecting chromosomal abnormalities,[89] genetic metabolic diseases,[90] heamoglobinopathies,[91] sex-linked genetic diseases,[92] congenital anomalies.[93] Besides, it can be conducted only if the age of the pregnant woman is above 35 years or has undergone two or more spontaneous abortions or foetal loss or she had been exposed to potentially teratogenic agents such as drugs, radiation, infection or chemicals or the pregnant woman has a family history of mental retardation or physical deformities such as spasticity or any

[87] The Pre-natal diagnostic Techniques Act, 1994, Section 3 (1).
[88] The Pre-natal diagnostic Techniques Act, 1994, Section 3 (2).
[89] The Pre-natal diagnostic Techniques Act, 1994, Section 4 (2) (i).
[90] The Pre-natal diagnostic Techniques Act, 1994, Section 4(2) (ii).
[91] The Pre-natal diagnostic Techniques Act, 1994, Section 4 (2) (iii).
[92] The Pre-natal diagnostic Techniques Act, 1994, Section 4 (2) (iv).
[93] The Pre-natal diagnostic Techniques Act, 1994, Section 4 (2) (v).

other genetic disease.[94] The Act keeps it open for any other condition to be added as essential.

Section 5 requires written consent of pregnant woman and prohibition of communicating the sex of foetus. Determination of sex is prohibited under Section 6 of the Act. No Genetic Counselling Centre or Genetic Laboratory or Genetic Clinics shall conduct or cause to be conducted in its Centre, Laboratory or Clinic any prenatal diagnostic technique tests including ultrasonography for determining the sex of a foetus.[95] The same prohibitions apply to an individual also.[96]

Section 22 of the Act prohibits advertisement relating to pre-natal determination of sex and provides for punishment for contravention. If an advertisement is given in contravention, the same is punishable with imprisonment up to 3 years or with fine up to Rs 10,000.

Section 23 of the Act provides for offences and penalties that if a person approach the genetic centre for the purpose of conducting pre-natal diagnostic technique on a pregnant woman for a purpose not mentioned in the Act shall be punishable on first conviction with imprisonment which may extend to three years and fine which may extend to ten thousand rupees and a subsequent occasion with imprisonment which may extend to fifty thousand rupees.

Domestic Violence Act, 2005

Domestic violence is undoubtedly a human rights issue and a serious deterrent to development. The Vienna Accord of 1994 and the Beijing Declaration and Platform for Action, 1995 have acknowledged

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[94] The Pre-natal diagnostic Techniques Act, 1994, Section 4 (3).
[95] The Pre-natal diagnostic Techniques Act, 1994, Section 6 (a).
[96] The Pre-natal diagnostic Techniques Act, 1994, Section 6 (b).

this. The United Nations Committee on the Elimination of Discrimination against Women in its General recommendation No- XII (1989) has recommended that State Parties should act to protect women against violence of any kind especially that occurring within the family. The existing legislations relating to women in India were unable to deal with the issue of domestic violence in an appropriate manner. This led to the enactment of a separate legislation which can cover all dimensions of domestic violence. Thus the Domestic Violence Act, 2005 was passed by the Parliament in August 2005 and assented to by the President of India on 13th September, 2005 and came into force on 26th October, 2006. The passing of domestic violence act may be considered as an important step in addressing the issue of domestic violence. This Act not only gave a formal definition of domestic violence but also provides provisions for protection of women against domestic violence as a whole. This Act is extremely progressive in nature as it has provisions to protect women who face violence not only from husband but also from brothers, father, sons or any person with whom the victim is living.

Section 3 of the Act defines Domestic Violence to include "any act omission or commission or conduct" of the man in question in relation to the aggrieved woman in case it attracts any of the four clauses: a) Harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse. b) Harasses, harms injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security. c) Has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) (b); or d) Otherwise injures or causes harm, whether physical or mental, to the scope and width of the new offence relating to Domestic Violence.

Physical violence includes any act or conduct which is of such a nature as to cause bodily pain, harm or danger to life, limb or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force. Sexual abuse includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman. Verbal and emotional abuse includes insults, ridicule, humiliation, name calling and insults or ridicule especially with regard to not having a child or a male child. Economic abuse includes deprivation of any economic or financial resources to which aggrieved person is entitled under any law or custom including property, disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or the other property in which the aggrieved person has an interest or is entitled to use by virtue of domestic relationship.

Under section 4 information regarding an act or acts of domestic violence does not necessarily have to be lodged by the aggrieved party but by any person who has reason to believe that such an act has been or is being committed.

A police officer, protection officer, service provider or magistrate who receives a message of domestic violence shall inform the aggrieved person of her right to make an application for obtaining a relief by way of a protection order. Further, the Act provides the rights for free legal services under the Legal Services Authorities Act, 1987, and right to file a complaint under Section 498-A of the Indian Penal Code.[97]

The aggrieved person shall be provided shelter home[98], and medical facilities[99], if needed. Under section 17 every aggrieved woman

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[97] The Protection of Women from Domestic Violence Act, 2005, Section 5.
[98] The Protection of Women from Domestic Violence Act, 2005, Section 6.
[99] The Protection of Women from Domestic Violence Act, 2005, Section 7.

has the right to reside in shared household. Section 18 grants protection order by magistrate to the aggrieved person. A victim is also entitled to interim monetary relief under an order of the magistrate concerned.[100] The Act also prescribes penalty for breach of protection order by respondent. Violation of the protection order by the respondent will entail the imprisonment of one year or a fine of rupees twenty thousand or both.[101]

Thus, we can say that the protection of Women from Domestic Violence Act is an important Act which addressed almost all aspects of violence against women within the family and provides protective mechanisms for the entire women folk.

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

Sexual harassment of women at workplace is definitely a violation of the rights of women. It constitutes a gross violation of women's right to equality and dignity. The Act was enacted with an objective to protect women against sexual harassment at workplace and to put in place a redressal mechanism to handle complaints.

"Sexual Harassment", according to the Act, includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely: - (i) physical contact and advances; or (ii) a demand or request for sexual favours; or (iii) making sexually coloured remarks; or (iv) showing pornography; or (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.[102] To deal with the complaints, every employer requires to constitute an Internal Complaints Committee" at each office or branch of an organisation.[103]

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[100] The Protection of Women from Domestic Violence Act, 2005, Section 20.
[101] The Protection of Women from Domestic Violence Act, 2005, Section 31.
[102] The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal), Act, 2013, Chapter 1, Section 2 (n).
[103] The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal), Act, 2013,Chapter 2, Section 4 (1).

Further in the absence of an Internal Complaints Committee (due to having less than ten workers or if the complaint is against the employer himself), a Local Complaints Committee shall be constituted by a District Officer in the district concerned for the redressal of complaints of sexual harassment at work place.[104] During the pendency of the enquiry, the Internal Complaints Committee or Local Complaints Committee may recommend the employer to a) transfer the aggrieved woman or the respondent to any other workplace, b) grant leave to the aggrieved woman up to a period of three months, or c) grant such other relief to the aggrieved woman as may be prescribed.[105]

Thus Sexual Harassment of Women at Workplace Act is a very progressive step for the protection of women from such types of crimes in India.

Besides, the Indian Penal Code and the Criminal Procedure Code envisage several provisions for the protection and promotion of the rights of women. In the following paragraphs we will highlight some of the important Sections of the Indian Penal Code and the Criminal Procedure Code which aim to protect and safeguards the interest of women.

Protection of Women's Human Rights under the Indian Penal Code, 1860

The Indian Penal code, in general, does not make any distinction on the basis of sex. It is uniformly applicable to all. The Indian Penal Code was enacted in the year 1860 and came into force in 1861. Looking to the social conditions and norms prevailing in the Indian society, the Penal Code has provided special provisions which

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[104] The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal), Act, 2013,Chapter 3, Section 6 (1).
[105] The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal), Act, 2013,Chapter 5, Section 12.

afford protection to women who could be a victim of the offences relating to her sex.[106]

Protections available to the women under Indian Penal Code are highlighted below:

Section 304-B[107]- This section is related to the 'dowry death'. It defines dowry death as the death of a woman caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry and such husband or relative shall be deemed to have caused her death.

Whoever commits dowry death shall be punished with imprisonment not less than seven years which may extend to imprisonment for life.

Under Section 312 of the I.P.C whoever voluntarily causes a woman with child to miscarry , shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment for a term extending up to three years, or with fine or with both. If the woman be quick with the child, he may be punished for a term extending up to seven years and shall also be liable to fine.

Section 313 of the I.P.C deals with the causing of miscarriage without the consent of woman. Whoever commits the offence defined in section 312 of the I.P.C. without the consent of the woman, whether the woman is quick with child or not, shall be punished with

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[106] Kant, A. & Lata, S (2006). *Law relating to women and children*. Allahabad: Central Law Publications, pp.89-90.

[107] Section 304-B was inserted in IPC by Dowry Prohibition Act, 1986 with a view to combat the increasing menace of dowry deaths.

imprisonment for life or with imprisonment for a term extending to ten years and shall also be liable to fine.

Under Section 314 of the Indian Penal Code , whoever with the intent to cause the miscarriage of a woman with child, does any act which causes the death of the woman shall be punished with imprisonment for a term extending up to ten years and also with fine. Further if the act is done without the consent of the woman he shall be punished under this section either with imprisonment for life or with the above mentioned punishment.

Under Section 354 of the Indian Penal Code whoever assaults or uses criminal force to any woman with the intention of outrage her modesty shall be punished with imprisonment up to two years or with fine or both. This section was amended by the Criminal Law (Amendment) Act, 2013 and the punishment is now not less than one year which may extend to five years and shall also be liable to fine.

Kidnapping or abducting a woman, to compel her to marry any person against her will or to force or seduce her to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse shall be punished with imprisonment for a term extending up to ten years and shall also be liable to fine.[108]

Section 366-A and Section 366- B[109] - Section 366 A deals with inducing any minor girl under the age of eighteen years for the purpose of forced or seduced to illicit intercourse with another person. Here imprisonment may extend to ten years and shall also be liable to fine. Section 366 deals with the importation of girls from foreign country. Whoever imports any girl under the age of twenty- one years for purposes of illicit intercourse with another person shall be

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[108] The Indian Penal Code, Section 366.
[109] Section 366- A and Section 366- B were inserted in the Indian Penal Code by Amendment Act 20 of 1923.

punished with imprisonment up to ten years and shall also be liable to fine.

Section 375 of the Indian Penal Code deals with issue of rape. A case will be accepted as a rape case if a man has sexual intercourse with a woman under circumstances falling under any of the six descriptions. First, against her will. Secondly, without her consent. Thirdly, with her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt. Fourthly, with her consent, when the man knows that he is not her husband , and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married. Fifthly, with her consent, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent. Sixthly, with or without her consent, when she is under sixteen years of age. Seventhly, when she is unable to communicate consent.[110]

Section 376 provides for punishment for rape. This section was amended in 1923 and 2013. The amended Section 376 has now prescribed a minimum punishment of seven years imprisonment. In case of special circumstances such as rape of pregnant woman, custodial rape, rape on girls under sixteen years of age, repeated rapes on the same woman, rape during communal violence etc. there is mandatory minimum punishment of not less than ten years which may extend to imprisonment for life.

Section 376 A, Section 376 B, Section 376 C and Section 376 D were inserted in the Indian Penal Code by the Criminal Law

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[110] Clause 'fifthly' was inserted in the Indian Penal Code by the Criminal Law (Amendment) Act, No 43 of 1983 (sixthly was in the position of fifth earlier), and clause 'seventhly' was inserted by the Criminal Law (Amendment) Act, No 13 of 2013.

(Amendment) Act, No 43 of 1983. All these sub-sections are related to sexual violence against women. Further, by the Criminal Law (Amendment) Act, No 13 of 2013 these sub-sections are drastically amended. Now there are five sub-sections namely, Section 376 A, Section 376 B, Section 376 C, Section 376 D and Section376 E.

Section 376 A- The present form of Section A deals with the punishment for causing death or resulting in persistent vegetative state of victim. Here the punishment is not less than twenty years which may extend to imprisonment for life.

Section 376 B- whoever has sexual intercourse with his wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment for a term which shall not be less than two years , but which may extend to seven years and shall also be liable to fine.

Section 376 C- Whoever being- (a) in a position of authority or in a fiduciary relationship or (b) a public servant or (c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force or a women's or children's institution or (d) on the management of a hospital, abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to ten years and shall also be liable to fine.

Section 376 D deals with the offence of gang rape. Here punishment is rigorous imprisonment for a term not less than twenty years which may extend to imprisonment for life.

Section 376 E provides for punishment for repeat offenders. Whoever has been previously convicted of an offence punishable

under section 376 or section 376 A or section 376 D and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.

Under Indian Penal Code detaining with criminal intent a married woman for the purpose of having illicit intercourse is punishable with imprisonment for two years or with fine or both.[111]

498 A- This Section of the I.P.C was added in the year 1983 by the Criminal Law (Second Amendment) Act, 1983. This Section was added mainly to deal with the atrocities and violence against women by the husband or the relative of the husband. Under this Section, whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Cruelty means any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman.[112] It also includes harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.[113]

Section 509 is related with the insult of modesty of a woman. Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object

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[111] The Indian Penal Code, Section 498.
[112] Explanation (a) of Section 498 A of the Indian Penal Code.
[113] Explanation (b) of Section 498 A of the Indian Penal Code.

shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both. However by the Criminal Law (Amendment) Act, No 13 of 2013 the punishment for the offence was increased. Now if anybody commits this crime he will be punished with simple imprisonment for a term which may extend to three years and also with fine.

Women under the Code of Criminal Procedure, 1973

Like the Indian Penal Code, the Criminal procedure Code has also provided some provisions in favour of women. These special provisions protect the weaker lot of the society. These protective provisions have been made in view of the special social and cultural background of women in India and keeping in view the constitutional protective measures.[114]

According to Section 47(2) if any person or police officer has reason to believe that the person to be arrested has entered into or is residing in the house, he can enter into the house and arrest him .However, in Section 47 (2) it is provided that if such place is in the actual occupancy of a female (not being the person to be arrested)- and who, according to custom, does not appear in public, the police officer shall before entering into the apartment give notice to female that she is at liberty to withdraw and shall afford reasonable opportunity to withdraw then he can enter or break open the apartment, otherwise he cannot enter into the apartment. Section 51(2) provides that where a female is arrested by the police officer, she can be searched only by another female with strict regard to decency. Section 53 (2) provides that if a female is arrested and medical examination is necessary as to afford an evidence of commission of

[114] Kant, A. & Lata, S., Op. Cit., P-97.

crime , such examination shall be made by or under the supervision of a female medical practitioner.[115]

Section 125 of the Code of Criminal Procedure, 1973 makes provision for maintenance of wives, children and parents. If any person having sufficient means neglect or refuses to maintain- a) his wife unable to main herself; or b) his legitimate or illegitimate minor child , whether married or not, unable to maintain itself; or c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is by reason of any physical or mental abnormality or injury unable to maintain itself; or d) his father or mother, unable to maintain himself or herself, a Magistrate of the First Class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the for the maintenance of his wife, child, father or mother, at such monthly rate and 'not exceeding five hundred rupees in the whole', as such magistrate thinks fit, and to pay the same to such person as the Magistrate may from time to time direct. The Code of Criminal Procedure (Amendment) Act, 2001 removed the limit of rupees five hundred as maintenance allowance, now it is for the court to determine the same on the basis of fact and circumstances of the particular case. [116]

Section 126 of the Code of Criminal Procedure lays down procedure to be followed while passing the order under Section 125 of the Code of Criminal Procedure. Proceedings under Section 125 may be taken against any person (husband, father or her son) at one of the three places: i) where he is, or ii) where he or his wife resides, or iii) where the husband and the wife last resided or as the case may be with the mother of the illegitimate child.[117]

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[115] Ibid.
[116] Tripathi, S. C & Arora, V., Op. Cit., pp.136-137.
[117] Ibid, p.148.

Section 160 (1) requires the witness to attend the place or *thana* as is required by the investigation officer. But clause (2) thereof provides an exemption from such requisition. The investigation police officer has to go the place of residence where the women resides to gather information from her. Thus, a woman cannot be compelled to come to the police station as a witness. Section 174 (3) of the Criminal Procedure Code was amended by the Criminal Law (Second Amendment), Act 1983 to secure post-mortem in case of suicide or death of a woman within seven years of the marriage. Section 181 (2) of the Code of Criminal Procedure provides that the offence of kidnapping and abduction may be inquired into or tried by a court within whose jurisdiction the person was kidnapped or abducted or was conveyed or concealed or detained. There is a departure from the general rule of place of trial namely, the court in whose jurisdiction the accused is found can try the accused. But section 181(2) provides for place of trial with reference to the victim of the offence. Thus, it is special favour of a woman who is generally the victims of such offences. The Criminal Law (Second Amendment) Act, 1983 has inserted Section 198-A of the Code. This section provides that no court shall take cognizance of the offence under Section 498-A of the Indian Penal Code (cruelty by husbands or relatives of husband) except a report or complaint made by the victim of the offence or by her father, mother, brother or by her father's, mother's brother or sister or with the leave of the court by any person related to her by blood, marriage or adoption.[118] Thus Section 198-A widens the scope for prosecution and any relative of the wife can file a complaint.

Besides these Sections of the Code of Criminal Procedure, there are some other Sections which are favourable for women like Section-360, 415, 437 etc.

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[118] Kant, A. & Lata, S., Op. Cit., p. 101.

Thus, all these provisions of the I.P.C and Cr. P. C are aimed at providing special protection to women.

Five Year Plans and Empowerment of Women

The Five Year Plans have space for the women. At first, the Central Social Welfare Board was set up in 1953 which symbolized the 'welfare approach' to the women's problem. Secondly, the Second Five Year Plan (1956-61) recognised the need for 'organisation of women as workers' and the need to perceive the social prejudices from which they suffer. The Third Five Year Plan (1961-66) centred mainly on female education, maternity benefit, childcare, wealth, nutrition and family planning. The Fourth Five Year Plan (1969-74) recommended a programme of ' functional literacy' to equip women with skills and knowledge to perform the functions of a housewife including child care, nutrition, health care, home economy etc. Besides, it also stressed on providing sanitary facilities for girls.[119]

The Sixth Five Year Plan (1980-1985) is regarded as a landmark in women's development. The Plan adopted a multidisciplinary approach with a three-pronged thrust on health, education and employment of women. Developmental programmes for women were continued in the Seventh Five Year Plan (1985-1990) with the objective of raising their economic and social status and bring them into the mainstream of national development. A very significant step therein was to identify and promote "beneficiary-oriented programmes" which extended direct benefits to women.[120]

While in the Sixth and Seventh Five Year Plans, the emphasis was primarily on health, education and employment of women, a

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[119] Yadav, R. R., Raginideep & Roy, P. (2008). Empowerment of women in India. In Rameshwari Pandya (Ed.), *Women welfare and empowerment in India: Vision for 21st century*. New Delhi: New Century Publications, p.349.

[120] Baragali, H. & Badiger, P. M. (April, 2014). Measures for women's empowerment. *International Journal of Scientific and Research Publications, 4* (4), p.1, Retrieved on 2nd January, 2015 from http://www.ijsrp.org/research-paper-0414/ijsrp-p2820.pdf.

marked shift could be seen in the approach of Eighth Five Year Plan where 'empowerment' of women was recognised and accepted as a distinct strategy. This was further taken forward in the Ninth Five Year Plan with the introduction of the concept of 'Women's Component Plan' whereby identified ministries were required to indicate the flow of funds to the women's programme and schemes. The Ninth Plan (1997-2002) approach was to access women living in poverty and to guide them to help themselves through initiative like Self-Help group (SHG). In the Tenth Plan (2002-2007), for the first time, monitorable targets were set for a few key indicators of human development, which include reduction gender gaps in literacy, wage rates and reduction in maternal mortality rate.[121]

The vision of the Eleventh Five Year Plan (2007-2012) was to end the multifaceted exclusions and discriminations faced by women and children; to ensure that every woman and child in the country is able to develop her full potential and share the benefits of economic growth and prosperity. The Eleventh Plan recognizes that women and children are not homogenous categories; they belong to diverse castes, classes, communities, economic groups, and are located within a range of geographic and development zones. Consequently, some groups are more vulnerable than others. Mapping and addressing the specific deprivations that arise from these multiple locations is essential for the success of planned interventions. In the Eleventh Plan, for the first time, women are recognized not just as equal citizens but as agents of economic and social growth. The approach to gender equity is based on the recognition that interventions in favour of women must be multi-pronged and they must: (i) provide women with basic entitlements, (ii) address the reality of globalization and its impact on women by prioritizing economic empowerment, (iii) ensure

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[121] Ministry of Women and Child Development, Government of India. *Annual report 2014-15*, P-7, Retrieved on 2nd January, 2015 from http://wcd.nic.in/sites /default/files/AR2014-15.pdf.

an environment free from all forms of violence against women (VAW)—physical, economic, social, psychological etc., (iv) ensure the participation and adequate representation of women at the highest policy levels, particularly in Parliament and State assemblies, and (v) strengthen existing institutional mechanisms and create new ones for gender main-streaming and effective policy implementation.[122]

The Twelfth Five Year Plan (2012-2017) has identified the key elements for gender equity to be addressed during the five years period as economic empowerment, social and physical infrastructure, enabling legislations, women's participation in governance, inclusiveness of all categories of vulnerable women, engendering national policies/programmes and mainstreaming gender through gender budgeting.[123]

Special Initiatives for Women

Some of the special initiatives taken by the Government of India for women are highlighted below-

National Policy for Empowerment of Women, 2001

The National Policy for Empowerment of Women, 2001 (NPEW) was formulated as the blueprint for the future, with the express goal of addressing women's needs and bringing about their advancement, development and empowerment.[124]

High Level Committee on the Status of Women, 2013

A High Level Committee on the Status of Women has been re-constituted by Government of India vide notification dated 24th May,

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[122] Planning Commission, Government of India. (2008). *Eleventh five year plan 2007-2012, social sector* (Volume 2), Pp-184-185, Retrieved on 2nd January 2015 from http://planningcommission.nic.in/plans/planrel/fiveyr/11th/11_v2/11th_vol2.pdf.
[123] Ministry of Women and Child Development, Government of India. *Annual report 2014-15*, p.7, Retrieved on 2nd January, 2015 from http://wcd.nic.in/sites/ default /files/AR2014-15.pdf.
[124] Ibid.

2013 to undertake comprehensive study to understand the status of women since 1989 as well to evolve appropriate policy interventions based on a contemporary assessment of women's need.[125]

National Commission for Women, 1992

The National Commission for Women (NCW) was constituted in 1992 as an apex statutory body at the National Level under the National Commission for Women Act, 1990 to safeguard and promote the rights and interests of women. It has a wide mandate covering almost all aspects of women's development. The Commission investigates and examines the legal safeguards provided for women under the Constitution and other laws and recommends to Government measures for their effective implementation. The Commission is also authorized to review the existing provisions of the Constitution and other laws affecting women and recommend amendments to meet any lacunae, inadequacies or shortcomings in such laws, look into complaints and take suo-moto notice of matters relating to deprivation of women's rights etc. and take up the issues with appropriate authorities. The Commission is also empowered to participate and advise government in the planning process for socio-economic development of women.[126]

Parliamentary Committee on Empowerment of Women, 1997

A Parliamentary Committee on Empowerment of Women has been constituted in 1997 for considering the reports of the National Commission for Women, to examine the measures taken by the government to secure women's equality and to report on the working of welfare programmes for women, etc.[127]

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[125] Ibid, p.8.
[126] Ibid, p.9.
[127] Gupta, V. (2005). Note on violence against women. In H. Sudhir & Jubita Hajarimayum (Eds.). *Violence against women in North-East India with special reference to Assam*. New Delhi: Akansha Publications, p.11.

Nation Mission for Empowerment of Women (NMEW), 2010

National Mission for Empowerment of Women is a centrally sponsored scheme approved by the Planning Commission. It was launched by Government of India on 8th March, 2010 with a view to empowering women holistically. The Mission aims to achieve empowerment of women by securing inter sectoral convergence of schemes/programmes of different ministries/department of Government of India as well as state Governments.[128]

Besides all these, several welfare schemes have been adopted by the Government of India for the protection and promotion of human rights of women in India. Some of the welfare schemes are listed below-

- Beti Bachao Beti Padhao Scheme.
- One Stop Centre Scheme.
- Women Helpline Scheme.
- UJJAWALA : A Comprehensive Scheme for Prevention of trafficking and Resue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation.
- Working Women Hostel.
- Rajiv Gandhi National Creche Scheme for the Children of Working Mothers.
- Ministry approves new projects under Ujjawala Scheme and continues existing projects.
- SWADHAR Greh (A Scheme for Women in Difficult Circumstances).

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[128] Ministry of Women and Child Development, Government of India. *Annual report 2014-15*, p.12, Retrieved on 3nd January, 2015 from http://wcd.nic.in/sites/ default /files/AR2014-15.pdf.

- Support to Training and Employment Programme for Women (STEP).
- NARI SHAKTI PURASKAR.
- Indira Gandhi Matritva Sahyog Yojana (IGMSY) - A Conditional Maternity Benefit Scheme.[129]

Apart from these schemes, Central and State governments are striving for the welfare of women through various departments and agencies.

To conclude, we can say that both at the international and national level, the protection and promotion of human rights of women has found profound importance. At the international level, the United Nations from the time of its setting up has been lively in advancing the rights of women. The United Nations has committed itself not only to captivating the universal recognition of women's equal rights in law, but also to exploring ways of giving all women equal opportunities and to exercise their rights. Several measures have been taken in India in this regard including the rights granted under the Constitution, Criminal laws, and other Social Welfare Legislations etc.. The Government of India has enacted laws, made policies from time to time for all round development of women's personality and to provide them equal opportunity, dignity and human rights in all aspects of their life. Indian judiciary is also playing a vital role in protecting women's rights. Further, India has ratified various Conventions and human rights instruments committed to secure equal rights for women, key among them is the Convention on the Elimination of Discrimination against Women (1993).

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[129] Ministry of Women and Child Development, Government of India. *Women welfare schemes*, Retrieved on 3rd January, 2015 from http://wcd.nic.in/schemes-listing/2405.