Present judicial trends for safeguarding the human rights of women

Introduction:

The Indian Constitution gives the right to equality it means that state cannot discriminate based on gender, whereas in order to develop the women and for taking positive action, the state can do the positive discrimination in favor of women for such a development. Article 16 deals with the equal right to employment as well as good working conditions. Right to life and liberty is dealt by Article 21. Further, the said Article is a useful devise to provide the protection to women in India from the various gender based discrimination.

Many legislations were enacted in order to protect the women after the Constitution came to be drafted. However, women's concerns were came into light only within last three decades. The women's problems were taken up at international level. Thereafter in order to improve the women's status, many measures were taken up. Prior to United Nations Conference in 1975, Status of committee for Women in 1974 put forth the paper which bought many changes in law favouring women.

In 1993, International Convention for the Elimination of All forms of Violence Against Women (CEDAW) was ratified by India which gave one more reason for passing of many enactments as well as and many judgements were passed by supreme court, which became guidelines for the situations, where no written laws were in place. These include the Vishaka Guidelines, where in court gave guidelines for safety of working women. Such guidelines became judicial law made for helping women.

The movement of Indian women which was initiated in the late 1970s has important factor. By the movement of women, the various problems
which were faced by women came out into public domain from its close family structural existence. There were issues like dowry, rape became a cause of concern of judiciary as well as legislators.

By way of Legal jurisprudence, judiciary got more powers in their hand to provide justice beyond what is mentioned in frame of enacted laws. In 1947 Arthur Schlesinger, introduced the term "judicial activism". There was lot of controversy in India, over the term Judicial Activism.

Few occasions occurred whereby there were attempts to restrict the inherent power of the court to give judicial decision interpreting the laws in its wider form. The judges were suppressed, transferred in order to discipline those who are inconvenient judges. People who were against such judicial activism said such judges usurped the functions of other departments of government. Whereas, people who argue in favour of judicial activism, says that court are doing its duty in providing justice by making the guidelines and interpreting the law in its wider sense and for a larger interest of public life.

Law does not have power so that it can enforce itself. Law can be enforced only through its enforcement agencies. In case enforcement agency does not work properly law becomes teeth less. Judicial Activism has lately taken up the important role. The judicial Activism mostly arises when the law makers and law enforcement agencies fails in their duty. Last hope of the people is judiciary when other institutions fails and does not work as required. In case, government, police and parliament all fails to protect the rights, in such a scenario, judiciary only can help the people.

According to A.M Ahmadi states that in order to protect the public interest which is judiciary's main role and therefore, judicial activism is its necessary function. Judicial Activism means judiciary plays pro-active role in order to ensure that the people’s rights and liberties is
given due protection from the violators. Judicial activism is said to be done as and when the courts does not only restrict itself within the legislations itself but it makes guidelines, issues direction like the executive and enters into the system of government then it is known as judicial activism. There are times when suo moto court issues directions or calls for reply from the government. It's a very big weapon with the judiciary by which it can provide protection to the citizens.

Judiciary is one of the wing of government which is independent in its operations. It has two roles:

1) To interpret the laws which is its traditional role and another is giving wider interpretation.

2) Judicial activism which means i.e. exercise the discretionary power to provide justice by going beyond the statute.

i) The Traditional Role of Judiciary:-

One of the role of judiciary, is to provide justice by interpretation of statutory laws. Judicial system mechanism is the one which applies to the situation after interpreting the laws and decides the matter pending before it. It also provides dispute resolution mechanism to resolve the cases. There is a separation of powers, between judiciary, legislatures and law enforcement agencies. Therefore, judiciary does not make laws which is legislatures responsibility. Court only interprets law and applies to each case and adjudicates it and ensures the equal justice for all. Judiciary has many court

i.e. lower to highest court which is supreme court of India. Judiciary maintains the right of the commons under constitution.
Justice K. Subba Rao explains the function of the judiciary as thus:

i) Justice is federation’s balancing wheel;

ii) Justice brings equality which is required by law by delivering appropriate order;

iii) Administrative tribunals are controlled by judiciary.

As per the traditional concept of judiciary represented by blindfolded image holding the balance in her hand. It means that Judiciary should have a open mind and without having any influence over it, it should deliver the justice which is equal for all. As of today, the judiciary has become very important aspect which has influence over the government and the judiciary performs its function in case where laws enacted by the parliament are unfair. Previously it was thought and understood that judges shall only within the provisions of laws, pass the judgements within four corners of law. However, in today’s modern world all this concept has undergone most changes and now court has broader role to pay, this changes what has happened is known as Judicial Activism.

Judiciary's most important task is to deliver the justice for betterment of public at large by interpreting the laws. Judiciary is making the laws or expanding the existing laws if they do not cover the aspect faced by public. Orders which are passed for the larger public interest are judge made laws.

Under article 141 of the constitution provided that -The law declared by the Supreme Court shall be binding on all courts within the territory of India. Article 141 incorporates, the doctrine of Stair Decises meaning
that, when the higher court passes any judgement, it shall be binding on the lower court of that particular state in the cases of same/similar circumstances.

However, though there are number of laws made for safeguarding the human rights of women, the crime rates have shown the increase in the number of cases. In 2008 itself, 195,856 crimes got registered against the women whereas in 2007 its was around 185,312. The crime rates increased at the rate of 5.7%. in 2008.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Crime Head</th>
<th>Number of Crimes</th>
<th>Variance</th>
<th>% of share of total crime against women</th>
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<tr>
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<td><strong>TOTAL</strong></td>
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**Source:** India Ministry of Home affairs, National Crime Record Bureau 2009, Crimes In India 2008/ New Delhi 81, 85.

Even more shocking is that all these figures are only a tip of iceberg and many cases go unreported since it's a social stigma attached to the crime. The women is ridiculed and society does not accept that women is a victim. Despite many laws, rules and regulations and judgements, criminals are acquitted and long unending trials often are more painful than the crime itself.

The arguments are taken up that women has bad character and sexual history being taken into considerations, though reform movements sought for its deletion number of times. Women's sexual history is being taken as defence and on the basis of this women is ridiculed in court room. The Advocates with their legally smart arguments get the acquittal for their clients.

As per the centre for the study of Regional Development, School of social sciences Jawaharlal Nehru University, New Delhi:
a) Since age of 15 years, 21% women faces violence.

b) 57% of married women agrees that women beating by husband.
Percentage of even married women who agree with specific reasons for justifying a husband beating his wife by states, India, 1998-99.

<table>
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<tr>
<th>States</th>
<th>Husband suspects wife is unfaithful</th>
<th>Natal family does not give money or other items</th>
<th>Wife shows disrespect for inlaws</th>
<th>Wife goes out without telling husband</th>
<th>Wife neglects house or children</th>
<th>Wife does not cook food properly</th>
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The data clearly shows that domestic violence by husband to married women is rampant in all the states and even married women agrees and accepts the wife beating by husbands.
## National Data

<table>
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<tr>
<th>Incidence &amp; Rate Of Crime Committed Against Women In States, UTs and Cities During 2012 Sl. No.</th>
<th>Incidence</th>
<th>Percentage Contribution To All-India Total</th>
<th>Female Population* (in lakhs)</th>
<th>Rate Of Total Cognizable Crimes</th>
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The various laws were enacted with special focus on rigorous punishment, guidelines, strict implementation of laws, enough monetary compensation to women who is victim, speedy and timely trials of the cases registered against the accused. There was a belief that strict punishment would lead to very few convictions, which became true with the growing legislations with higher and strict punishments.

Many changes were brought in legislations. however, what is required to be answered is that whether society has changed with its mindset towards women which treats the women as of lower grade, shows their power over women, subjugates them in each and every aspect. These laws and activism has just become an eye wash and till today women are treated as a inferior to man. Society’s mindset has not changed even towards baby girls who are thrown out in Garbage as per the Mumbai Mirror's Report on 4/07/2014.
In 1980, Justice Krishna declared that, while listening to the victim regarding the complaints, the court needs to understand, the victim’s psychology and mind. A judge should be gender sensitised to understand the victim and the punishment sought by them instead what the long intricate section of the Acts mentions.

Time and now, the Supreme Court and the High Courts issued guidelines and passed strictures against lower judiciary for their biased approach and also to law enforcers for not implementing the laws in its true sense even after regular orders passed by our courts i.e. High Courts and Supreme Court.
Various Judgements:

1. Mathura rape case. (Tukaram v State of Maharashtra AIR 1979 SC 185)

While on duty, two policemen raped, Mathura, a 16 year old, girl who was from tribal and illiterate family. The rape was committed by the policemen in the police station itself. But she was viewed as women of lower character since he ran away with her male friend and thereafter she was searched and brought back at police station on the complaint been filed by her brother.

Since no injury mark were not found on her body in the medical reports and she could not prove her case, the court termed Mathura a liar and her statement was not believed that she was raped by a police man.

Upon Appeal, the Hon'ble Supreme Court acquitted the accused by overruling the High Court's judgement.

Thereafter, strong opposition from various women's organisation started and legislative reforms took place due to various women's organisation's campaign. The Sate also responded to these campaigns and made different laws. New pro women laws were enacted to fight against oppression against women. Law were enacted for each and every issues which were brought in light by the women's movement.

Though many Act/ guidelines were enacted due to the efforts of women's movement, however, there was sad story revealed by the statistics. Figures as mentioned above shows that number of cases grows each year which are reported. Women dying in a unnatural circumstances are on increase. Deterrent factor of our legislations has no effect since hardly people are being punished. Implementation of laws is very poor in our country.
Positive amendments took place in the law relating to custodial rape, rape in hospitals, remand homes. Burden of proving that sexual intercourse was consensual or no is on accused once it is established that sexual intercourse has happened. seven years of a minimum punishment is provided for cases of brutal rapes, gang rape, custodial rape and rape of pregnant women, rape of children under the age of 12 years is to be punished with 10 years of imprisonment.

Consensual sexual intercourse with a women under the custody in certain circumstances, is a punishable offence. Though number of amendments were made and new offences created and punished however, it was shameful for all concerned authorities to see the rising number of offences against the women.
2. **S.P. Guptas case**

Supreme court’s judgement in S.P. Gupta's case changed the entire meaning of judicial activism. If any person is deprived of his rights then affected person and he himself can not approach the court for redressing the grievance, or any other person can come before court for seeking justice on behalf of affected person.

The court recognised that sometimes it is difficult for poor person to approach the court and obtain the justice for his grievances due to various reasons like economical, situational etc. In order to meet such situations and provide justice to all needy, Justice P.N. Bhagwati and Justice Krishna Iyver started passing various judgements and spreading judicial activism.
3. In Air India vs. Nargesh Meerza, Air India

Through judicial activism, our judiciary made many changes in the law and passed directions to improve and remove the conditions of women at work place as well making the availability of justice against discriminations faced by women in any form.

In present case, regulation 46 of the Indian Airlines Regulations was challenged which states the air hostess shall retire from the services either when she attends the 35 years of age or is she gets married with in four years from the date of joining the service or on her getting pregnant for the first time.

The said regulation was violative of Article 14 of the Constitution of India.

Further, under the regulation 47 Managing director was empowered, to give extension after a retirement age which is 45 years of age, in case the Air hostess is found to be medically fit.

The Supreme Court observed that such a regulation which states that women is required to retire from her services as soon as she gets pregnant is unconstitutional, void and against the Article 14 of the Indian Constitution.

The Court in detailed explained the Regulation, stating that it violates Article 14 of the Indian constitution, it stated that at the beginning of the services, after four years, the Air hostess was allowed to marry but if she gets pregnant pursuant to the marriage, terminating her services is violative. The air lines cannot use her services for four years and thereafter only because of the reason that she is pregnant, her services can be terminated by the Air lines. The Court said, it amounts to compulsorily make the Air hostess live without any children and further it interferes in the basic human nature.
Court observed that its an insult to Indian womanhood if such a regulation is allowed to remain in the airlines regulations. Such regulation is cruel, unfair, arbitrary and does not justify in any way and therefore it is violative of Article 14.
4. Vishakha vs. State of Rajasthan

In 1992, a social worker was gang raped, she was punished for intervening and preventing a child marriage at Rajasthan. Therefore an NGO, a non governmental organisation, Vishkha, filed a petition before Supreme Court for seeking gender equality for women who are working and for upholding Article 21 of the Indian Constitution.

Landmark judgement came to be delivered by the Supreme Court on sexual harassment of women at work place. Since at the relevant time period no specific law was provided, judiciary made the law by using their power and issued/ framed guidelines to protect the women from abuse at work place. Court also stated that these guidelines shall be followed till the legislature makes the law in this regard thereby even directing the government to make law in this regard.

The guidelines as issued by the court are as follows:-

1. To prevent women employees from of acts of sexual harassment at work place, the court casted a duty on the employer or other responsible persons at work places and other institution.

2. The court also defined sexual harassment which is sexual behaviour and includes the following:

   a) physical contact and advances;
   b) a demanding or requesting a women for sexual favour;
   c) remarks which are sexual in nature;
   d) showing pornography;
   e) unwelcome conduct of sexual nature either physical, verbal or non-verbal.
3. Court issued the detailed guidelines directing all the employer either public or private to take steps for the benefit of women.

4. Criminal proceedings mechanism suggested by the court. Meaning as to how to investigate such case and give the justice.

5. Action should be taken against the offender as per the disciplinary policies of the employer.

6. Complaint handling mechanism should be in place.

7. Complaint committee is required to be formed to address the complaints.

8. Women need to come forward and raise their concerns regarding their safety.

9. Female employees need to be aware about their rights which are available for their safeguards.

10. Guidelines also covered the issues of third party harassment to a women.

11. Court directed the Central and state Government to make the specific law in this regard.

12. These guidelines were framed without prejudiced to the provisions of Human Rights Act, 1981.

After providing the guidelines court said:
All the employers must follow all the guidelines strictly for protection of rights of women. Such observations of guidelines is required in order to bring gender equality. Court further stated that the guidelines made hereunder is applicable till our parliament enacts the proper law regarding this issue.

5. **Apparel Export Promotion Council vs. A.K. Chopra**

On 12/08/1988, a women employee Miss X, clerk cum typist, was being molested by the Accused at Taj Hotel, Delhi. Miss X was persuaded by the accused to accompany him. He took her to chairman's office for taking dictation from the chairman. He said that he wants her to accompany in order to avoid any mistakes while typing. Accused saw the isolated place at waiting room where Miss X was awaiting. He took advantage of the secluded place and set too close to her and touched her despite she raising her voice against it.

Further, accused also tried to molest her physically while in the lift. However, she pressed the emergency button and she was saved because the door of the lift opened.

In appeal of the case, the supreme court viewed this offence very seriously and held that whenever there are charges of sexual harassment at work place, the trial court needs to take it very seriously and the court should look into and examine the broader possibilities of the facts of the case and should not get diverted by the minor technicalities or should not take only dictionary meaning and pass the judgement. Court should not show any leverage for such offence because its in human for women to work in such conditions where she is sexually abused.
6. **Railway Board vs. Chandrima Das,**

At Yatranivas room at Howrah station, a gang rape happened on a Bangladeshi women. Rape was done by a employees of the Indian railway. Yatranivas was being managed by these employees. It was argued they are not liable under the law of torts for the act since the crime was not committed during the working hours.

Hon'ble court didn't accept the argument stating that crime was not done while on duty. Court held that employees of union of India are liable in case other requirements are proved and liable to pay compensation to the victim under the vicarious liability since employees who are employed is to run and manage the railway and yatranivas. So therefore, it's a commercial activity and accordingly union government can be made liable for payment of damages.

Rs. 10 lakhs as compensation was awarded to the victim by Supreme Court. Court held that this right of compensation is even available to citizens of other nations.

7. **Mohd. Ahmed Khan vs. Shah Bano Begum**

In a one of the landmark judgement, which created uproar amongst Muslim community. Many agitations happened amongst muslim community against this judgement. Honble Supreme court, constituting five judges, passed a judgement stating that in case wife of a muslim husband who is staying separately and unable to maintain herself, the husband must provide for her maintenance in case he is self sufficient and able to maintain himself.

A muslim husband who has contracted a second marriage as per their personal law by which he can marry four wives, but if the wife refuses
to stay with him, than in that case, women is entitled to receive the maintenance. The court declared that when a muslim is divorced and can not maintain her independently, she is entitled to receive the maintenance from her husband till she remarries or starts working and maintaining herself.

It was argued that women can be given maintenance till iddat period only, the Court had strongly rejected the plea.

Court rejected the plea that dower/Maher or remaining dower is to be paid to the women upon divorce as per the personal law and therefore, there is further no need to pay separately any maintenance after divorce. Court rejected such a plea and interpreted the clauses of Quran and observed that even quarn speaks about payment of maintenance to wife in case of divorce, it's a consideration paid to the women for divorce. Court also noted that as per quran dower is paid to the women at the time of marriage and therefore, the same cannot be regarded as consideration for divorce paid to the women.

Section 125 of the Criminal Procedure Code is a uniform for all the citizens and therefore, religion professed by the husband has no concern with the Act.

Code of Criminal Procedure Code, over rides all the personal laws and therefore, in case of any contradictions, the section 125 of the Cr.PC applies in such cases and personal law has no place in such an event. After passing of the judgment, there was a huge agitations from all the priest against the judgment and showed their unwillingness to follow such directions. However, such a judgment brought a sign of a relief in muslim women's life.
8. Bodhisattwa Gautam vs. Subhra Chakraborty

Sri Bodhisattwa was a lecturer in a Baptist College, the complainant Subhra Chakraborty was a student in the said college. Subhra filed an FIR against the accused Bodhisattwa, stating that they both stayed with each other. Accused falsely made the promise of getting married to her. Accused upon promise went through marriage ceremony and has also put vermilion on her head in front of god. She was made to believe that he has married to her. Accused did all this knowingly well as to what he is doing. However, afterwards, the Accused denied and refused to believe that she is his wife.

The Accused by carrying out the marriage ceremony made the Shubha believe that she was married legally to the Accused. During the pendency of the case, Honble Supreme Court, directed to pay Rs.1000/- per month as an interim compensation since the accused falsely made her into belief that she is married to him and raped her.

Referring to the pitiable condition of women in society Mr. Justice Saghir Ahmad observed that:

Indian women has always been a group who is never in any advantageous position. It’s unfortunate to see that they face lot of difficulties and impediments, gender disparity. They are victimised by the men in many ways and make their life more difficult. Such circumstances arise, even though Indian constitution gives women, right of equality. It is forgotten that they are also human being and they also do have a right to live life with dignity and respect and deserves the same respect as men.
9. Deelip Singh vs. State of Bihar

Court held that if the women gives the consent for a sexual act believing that a man will marry her, than such a consent does not have existence in the law and the same shall be treated as if the women have not consent for such act.

Clause (ii) of section 375, I.P.C, states that:

In case, it is proved that, man right from the inception, had no intention to marry the women but such promise was only to lure her into a consensual sexual intercourse then in such an event, such consent is not a consent in the eyes of law.

The Accused is only liable for payment of damages for breaking the promise to marriage in case, when he never had right from inception an intention to seduce her and persuade her for a sexual act. In such a circumstances, clause (ii) to section 375 I.P.C. is not attracted and established.

In case, a female is above the age of 16 years of age and she enters into a consensual act than in such a circumstances, a man canot be ispo facto be made responsible for the sexual act.
10. Madhukar Narayan Mardikar vs. State of Maharashtra,

Babubi named women was harassed by a government official physically. However, the trial court, stated that she cannot be believed since she is in unchaste women and therefore, on the basis of her uncorroborated evidence, the officer's career can not be put on risk and it would not serve the ends of justice. The women is unchaste who is accepting her illicit relation in front of others and therefore, her character is of a challenge so should not be believed.

Supreme court observed that Banubi was quite honest to accept her relation with another person which is not a brighter side of her life.

**The court held that:**

Irrespective of the moral character of a women, each women do have her rights in terms of maintaining her privacy. Just because a women is of easy virtue, no one can violate her rights or even attempt to violate her rights against her wish. It is also held that such a women also a have a right to safeguard her from the abuses and get protection of law. Therefore, court cannot just ignore the women's evidence or statement just because she is of easy virtue.
The Supreme court with much displeasure observed that even though in 1997, the Vishaka’s Judgement was passed thereby court gave the detailed guidelines to be followed by all the employers for safeguarding womens at work place. Supreme Court directed all the states to submit the report on compliance of guidelines issued under Vishakas case. However, it was observed that:

There are no data available on whether after the guidelines passed in the Vishaka’s case, all the offices are having complaint committees as envisaged. Further how any number of complaints are filed, what action has been taken against the offender, there is no data collection or availability of the same from any source.

In view of the present situation and since no law is available, court thought it best to issue more guidelines. Court stated that for better coordination for the entire work i.e action taken, steps taken to resolve etc, One state level officer, either from the Woman and Child Welfare Department or any other suitable officer who is in charge and concerned with the welfare of women and children in each State should be appointed. Each state need to appoint this nodal agent who is responsible for collection of all data and further they should be able to issue the necessary and required directions for the welfare of the women.

Supreme court thereafter stated that the aggrieved person need to approach the high court of the respective states and they should be able to pass necessary orders for providing the relief in case there are any non compliance of the guidelines issued by the court under Vishakas case or under this present case.
12. V.D. Bhanot V/s. Savita Bhanot

Section 19 of Domestic Violence Act, 2005 i.e. right to residence was interpreted by the Supreme court in favour of women who has obtained the divorce after the Domestic Violence Act came in force.

Domestic violation Act was drafted with a object to safeguard the rights of women and give the women protection against violence. Further, our constitution guarantees right of equality to all and therefore, when women faces violence by the hands of their family, the law is framed to safeguard such victims. Therefore, the court ordered that High court's order needs to be suitably amended. Supreme Court further issued directions to the respondent to give the part of residence to the women with all the necessary amenities required for living with dignity. The said shared premises should have all the required furnishings and fixtures to make the part of the residence habitable for women.

Importantly the Supreme court stated that "A wife who lived with her husband before the law (Domestic Violence Act) came into force but got separated after the law was enforced, will be entitled to the right to share her husband's house under the law."

Accordingly the section 19 of domestic violence act was interpreted to give right of residence to the women.
While travelling in train from Ranchi to Delhi, six tribal girls were molested by a group of army men. Delhi Domestic Working Women’s Forum was pursuing this particular case in the court. The girls were beaten brutally and threatened not to complain about the whole thing however, the girls with courage filed the FIR and registered the complaint.

There was long delayed investigations for more than six months, The girls were unnecessarily harassed since the case was at Aligarh, Uttar Pradesh and could not lead their normal life. The girls were in lot of inconvenience The women’s forum filed the Petition before Supreme Court for issuing the directions to the investigating agency to expedite the case so that the girls can get the justice and they can come back and lead their whole life once again normally.

**Supreme Courts Observations:**

i) One of the requirement is of Speedy trial.

ii) Delayed investigations in rape cases cannot frustrate justice.

iii) Expeditious investigations and trials should be carried out.

iv) To protect and secure the right of equality as enshrined under Article 14 of the constitution and the guarantee of life and personal security guaranteed under Article 21.
v) Rape is a serious crime which shakes up the life of women and the life turns ups and downs. Women has to face many difficulties in making new personal relationships as well.

In view of the aforementioned objectives in mind, the Supreme Court laid down specific guidelines on how to deal with rape victims, which are as under

1. Once the rape victim registers the case, she should be informed about her right to get the lawyer of her own. The police should mention in the report that the victim was informed about the right to get the lawyer.

2. In case, the victim has no access to have her own lawyer, she should be provided with the lawyer.

3. There should be list of lawyers to be maintained at the police station. The lawyers should be able to explain the nature of proceedings to the victim and prepare her for the case. The Advocates, further should be able to assist her in court and in the police station's proceedings.

4. The lawyer who is given to the victim needs to be approved by the court. However, since it may take sometime in getting the approval from the court regarding the lawyer, the lawyer should be authorised to question the victim so that the delay can be avoided.

5. In all rape trial, identity of the victim should not be disclosed.
6. Rape cases are sensitive and therefore they are required to be dealt with sensitively by the police. There should be proper care to be taken and keep in mind that victim should not be made to feel uncomfortable. The statement of victim must be recorded by the women officer.

7. Un-welcomed comments and unnecessary references which are of derogatory nature are not permitted to use before the victim. Comments like the victim added to the crime are not permitted. Reputation and profession of the victim is not to be considered since the crime of rape is rape.

8. In camera trial and investigation to be held. Name of the victim should not be disclosed to the Media.

9. Recommended for setting up of a Criminal Injuries Compensation Board in order to award compensation to the victim whether or not the prosecution is able to secure a conviction of the accused at the trial or no.

10. While the Board decided the compensation, it should take into account the pain, suffering, mental trauma and shock, loss of earning capacity and expenses that may have been incurred on account of child birth if the victim has become pregnant and decides to have a child. Such compensation should be directed to be paid upon conviction of the accused.
14. Sheela Barse V/S State Of Maharashtra

A journalist and activist in prisoners rights, Sheela Barse wrote to the Supreme Court saying that she went and interviewed some 15 women prisoners at Bombay Central Jail out of the said 15 women 5 women clearly stated and admitted that they had been beaten while in police lock ups.

The allegations raised by Sheela were of serious nature therefore, the writ petition was admitted by the Court. The court directed a College of Social Work, Bombay to visit the Central Jail and find out whether the allegations as levied by the petitioner were true. After some period and visit to the Central jail, the report was submitted and it stated that its true that assault is being carried out at the jail. Further it pointed out that the legal aid to the prisoners are lacking in its facilities and the same are inadequate.

On the basis of the report, it was observed by the Supreme court that Article 39A, directive principle of state policy cast duty on the state to ensure that the legal system works very well and steps are taken to promote the justice which should be given to all without any discrimination. Article 14 also gives equal right to legal aid for all.

Serious concern over the prisoners right was expressed by the Court who are unable to appoint legal counsels to defend themselves in the legal cases.

Court stated that since they are unable to afford a lawyer, it's the one of the reason that, they face harassment and torture and their rights are not enforced. Court stressed that there is a urgent need to provide legal help to not only women prisoners but also to all the prisoners, whether they are serving the sentence or undertrials. In adequate legal facility,
denying the right to get defended affects the basic rights further each such act hits deep into the fundamentals of democracy.

Court over the serious issue of keeping in mind the safety of women, directed that a women judge should be appointed to make surprise visits to jails to ensure that there is right enforcement of all legal safeguards which are provided.

**Supreme Court Directives**

1. Under supervision of female constable, in a separate lock ups, Female suspects must be kept.

2. While interrogating the female, a female police person should remain present.

3. In case anyone is arrested without warrant, he/she should be informed about the grounds and right to avail the bail.

4. Police should inform the arrested person's relative, friend and inform them about the arrest of the person after obtaining the contact number of the relative/friend from the person arrested.

5. Near by legal aid committee to be informed as soon as the person is arrested and taken to the lock up.

6. The Committee should take steps on urgent basis to make available the legal aid in case the person who is arrested is ready to avail such legal aid.
7. The magistrate needs to enquire as to whether she has any complaints regarding police as to whether she has any complaints against police or whether she is tortured at police custody. She also needs to be informed that she has a right to get physically examined.
15. Suchita Srivastava and Another v/s. Chandigarh Administration

This particular case relates to the provisions of Medical Termination of Pregnancy Act, 1971.

At a govt.-run welfare institution located in Chandigarh, one mentally retarded woman was raped and as a result of the same she became pregnant. Since the woman was mentally retarded as well as orphan, the Chandigarh Administration taking into considerations woman's condition, approached High court, and sought approval for termination of her pregnancy.

One committee was appointed which consisted of many medical experts. After a detailed study, the report was submitted which stated that a woman desires to bear a child. However, High Court ordered a medical termination of the woman's pregnancy. In order to challenge the said order, the Appeal was filed before Supreme Court.

One of the important question which came to be decided by the Supreme Court was whether High Court was correct to direct termination of pregnancy without her consent. Consent of a major woman and the one who is not suffering mental illness is an essential condition under the Medical Termination of Pregnancy Act for an abortion surgery to be performed on a woman. The Act clearly makes the difference between mental illness and mental retardation. There is a clear distinction between 'mental illness' and 'mental retardation' for purpose of this statute - Language of Act clearly respects personal retardation. The Act takes into consideration that an adult woman must give her consent in case, pregnancy is required to be terminated as per the Act and even a mentally retarded woman's consent is given utmost importance.
Court held that such a dilution is not permitted where there is no other statutory conditions have been fulfilled. Therefore, in this case, termination of pregnancy cannot be permitted without the consent of a woman.

Further if the best interest of the victim is to be followed then in such a case, the victim was already pregnant with a gestation period of 19 to 20 weeks and if in such an event, the pregnancy is terminated, then it may have a vital effect on her health as well as the victim’s mental condition may also get affected since such termination was never with her condition and the trauma can worsen her mental condition.

Supreme court quashed the High Court order and stated that, there is at this stage no need to decide upon whether she will be able to take responsibilities as a mother who is mentally retarded herself. Court ordered that, best medical facilities should be made available to her pre and post natal and the state to take the responsibilities of their care.
16. D.Velusamy Vs D.Patchaiammal

The point before the court was to examine the law, The Protection of Women from Domestic Violence Act, 2005. The following are the various definitions under the Act.

Section 2(a) defines the aggrieved person as any women who is in a domestic relationship with a person and during such relationship, she alleges that she has been victim of violence by the hands of such a person.

Section 2(f) states and explains what is domestic relationship. Domestic relationship is between two persons who live together in common / joint household. Such relationship may have arisen out of marriage or adoption of any person. Further, any relationship between the family members who are living together.

Section 2(s) states that "shared household" means any property which is owned, tenanted either owned jointly or singly by one member and the women is one of the member of the family and residing in the said household which is shared. Women may or may not have right, title and interest in the said shared house however, she cannot be thrown out of the home. The Act gives the protection to such victim of domestic violence by making provision for issuance of protection order.

Section 3(a) defines which acts constitute domestic violence. Acts which causes the following is a domestic violence:

a) Causes harm and injury
b) Endangering the health of the victim.
c) Endangering safety of a women
d) Risk to a life
e) Abuse which may be either physical, mental, economic abuse, emotional abuse.
Economic abuse means, depriving a person from all the economical sources to which the person is eligible under the law to receive. That may be either through any order from the court or due to any customs which is followed, such receipts may include, maintenance / rentals or monthly receipts etc.

**Under the Act, various reliefs are granted like:**

a) an aggrieved person can approach the Magistrate for maintenance

b) an application for seeking relief under this Act can be made in any proceedings i.e. before a civil court, family court or a criminal court.

As per the Act, `domestic relationship' includes not only the relationship of marriage but also a relationship `in the nature of marriage'. However, the Act does not define such an expression. Since there is no direct decision of this Court interpreting the expression –in the nature of marriage‖, court stated that, Indian society treated the sexual relationship between man and woman outside marriage as social taboo. However, the society is changing and therefore, there is a need to protect the women from changing societal attitude. Supreme Court stated that both the court i.e. High Court and family court has done error by passing a judgement without even issuing the notice of hearing to lakshmi who is declared that she is not a wife of Appellant.

Supreme court has se aside the order of high court and family court and remanded back the case to family court by stating that court to issue the notice to Lakshmi and decide the question of their marriage.
17. B. Chandrasekhar Reddy V/S State Of Andhra Pradesh

In our country, women's position is poor and dismay. Women forms half of the population. Women workers rewarded for their work at 1/10 of the entire reward and hold 1/100 of the total property, which definitely a poor state of affair.

Section 29A of the Hindu Succession Act gives the daughters the equal right in the joint family property. Herein, in this particular case, under the land ceiling act, of Andhra Pradesh the surplus land was ceiled and therefore, daughters preferred and appeal stating that land ceiling should be done keeping in mind their share as well.

As per Section 29- A of the Hindu Succession Act, the daughter acquired right by birth as a coparcener in the joint hindu family property. Therefore, they are to be treated equally as major sons and it was argued that the ceiling on land should have been fixed treating them as additional members of the family.

Court agreed with the contentions that major unmarried daughters are also required to be given equal right. Court further stated that while fixing a ceiling of the land, the Appellant must have got the benefit of section 29A of Hindu Succession Act, which is a beneficial legislation.

It is equally important to empower women to give them right to equality and remove all gender disparity.

Conclusion:

In view of all these discussions, it is crystal clear that judiciary also plays a very vital and important role along with legislature. The real
meaning and wider interpretation is given by the judiciary so that justice reaches to the needy as well as public interest at large is achieved.

By the various judgements, the judiciary has empowered the women through judicial activism as well as traditional role of giving the justice. Judiciary as per its traditional role provides justice by interpreting various laws. Further, it gives wider meaning to the provisions of the legislations and gives judgement so as to give the justice in its true sense.

There is another form of judiciary is the activist role, which is –Judicial Activism". In case there is no specific law to deal with some situation which is faced by the court, then in such a scenario, the court makes the guidelines and directions to be followed in the other similar cases. The court applies its power and meets with the demands of dynamic societal changes. There are many lapses like legislation is not able to meet with the pace of society by enacting different laws. The laws are rigid and it takes time to make amendments in them which some time causes injustice to the people. In order to bridge this gap, the judiciary uses its intrinsic powers and makes guidelines and delivers the justice to the needy.

The concept of women's empowerment is a crucial issue of our country. Since it's a new concept, therefore, there are many areas where there are no laws for protection of women. In such cases, judiciary becomes the society's last hope from where they can get the justice. Therefore, court uses its activist power and delivers the justice.
Review of international scenario regarding status of women in law and society (U.K., USA, China, Canada, Pakistan and Arabian countries)

The U.N Charter and various international instruments are greatest instruments on Human Rights to the world at large.

Preamble of the UN charter is beautifully worded as follows:

-We the peoples of the United Nations determined to save succeeding generation from the scourge of war, which twice in our life time has brought untold sorrow to mankind, to reaffirm faith in fundamental human rights, and in the dignity and worth of the human person, in the equal rights of man and women and of nations large and small and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.

It reaffirmed faith in –

1. Fundamentals of human right
2. Human person is worthy and needs to be treated with dignity
3. Equal rights for all without disparity

The purpose behind, UN charter is to get the co-operation from international level to solve the problems of human rights violations. Further also to promote the respect for human rights and equal treatment to all without any discrimination based on gender, language, caste or creed.
UN to act as a main centre to coordinate all the steps and measures required to be taken for achieving its object.

Pakistan:

In Pakistan, woman's deprivations, sufferings starts not when she comes to this world but even prior to her birth. Girls fetuses are aborted every year in order to avoid her, thinking that she invites problems to the family. There are some baby girls who survive and they are the ones who are unwanted children. Such baby's life is filled with subordination with the male members who dominates them.

While the girl is being very young, her all the family members including father, mother, brother, grand parents starts to decide for the various matters of small concerns or to life's important and major decisions. The most women of Pakistan has no right to make any decision may it be to decide on meal or for deciding her marriage and choosing the life partners.

Before women were married they are under strict supervision of their father. Further they are always doubted in character especially when they go to school and communicates with other male students. Women are unable to make their choices about their life partner and therefore, their marriages are being decided and arranged by the family without concurrence of women.

After marriage, women's in laws and her husband starts taking her decisions and decides on all the matters on her behalf; like whether she should bear a child or not. Further its height of controlling when it is also decided by the family whether a women shall conceive every year, or she will deliver only male child, or whether she can seek independently find a job and work and so on. Each and every matter of women is
decided by the family members and she is left with no choice of her own. Finally, all the ruling and suppression, when she becomes old, her husband has weakened or may have expired,

thereafter her sons' starts deciding for her life's decision. All this also doesn't not seem enough, the entire society acts as an abuser and violators of her rights and behaves to make her obedient towards her responsibilities.

Thus, the word –woman‖ in Pakistan is similar to submissive life. Women there is forced to accept the facts that she is women and inferior to male and therefore accept whatever decisions are taken for them. She needs to be careful while walking on streets, while out for food at restaurants, she is required to remain alert for her own safety. Shockingly, they are advised that it is best to try and not notice the people and just avoid the people who passes any remarks or teases on the road. According to Hina Jilani, Lawyer and Human Rights Activist, Women's life in Pakistan is based on the various conditions like following norms of society and obeying all orders of the family..

In addition to all these issues faced by women, Pakistani women are facing violence of all kinds as well as abuse by male members and other state authorities. Violence which are faced by women are of different kinds i.e. domestic violence, custodial violence, rape, honor-killings, murder by the spouse, disfiguring faces by throwing acid, mutilation and various others. Amnesty International Report shows that, there are many girls and women are killed and such killing is named as honour killing. Women are killed for very small matters and thereafter, the reason stated was illicit relationship of a women with a male and being killed under grave provocation.

–Karo Karil‖ means the Summary-killing of a woman, who has been suspected of her relations with another male. Such summary killing is
being practiced throughout the country. Even after the death of women, she remains dishonoured.

After killing the women brutally, they are buried or thrown in the river without any feeling of losing a dear one. Families do not perform any last rite or not even mourn for them. Karo’s (means a man having relation outside the marriage) on the other hand, the male known as Karo of a relationship is buried in the graveyard. In the year 2000, it was promised to remove such practice however, the same has not happened till date.

Reporting of rape and sexual harassment by a women brings lot of problems for her. Such issues are created by the law enforcers i.e. police, who refuses to file the complaints, does not clearly report the statements. Medical help by the organizations as well as medical examinations by the organization are without proper training and they are unable to conduct proper examination.

In case, a woman registers the complaint against the accused, she is opened to more problems. If she fails to prove her case, she opens herself to prosecution. Due to this, when she approaches the court for justice, she faces more torture and abuse. Domestic violence within the home is hardly reported by the women. No action taken by government to curb it and society neglects such violence thinking that its family matter and they should not interfere.

In view of this, at present, women at Pakistan does not have any right including right to own her own body. Since every decisions is controlled by male. If women tries to do what she wants to do then the same is considered as disrespecting the male member, family and further the society. Women are punished for trivial issues such as for serving the food late, for answering back or going to trips which were asked not to be undertaken.
In rape cases, a family of abuser settles the matter with the victim by giving monetary compensation and if the victim fails and disobeys then they are put behind the bars and punished.

The advocates of women empowerment are male and while they are required to take decision, they think and feel that women are given more importance then man instead of equal rights given to them. Thus unless such a minset is changed, the male may not prove to be very supporting role in solving the issues faced by women at legal, political, religious and social sphere.

**Constitution of Pakistan:**

At Pakistan, the Constitution gives the equal right to women on par with women. There is no discrimination under the constitution against the women. constitution of Pakistan is based mainly on Islam. Islam itself had prior to hundred years have taken steps for safeguarding the rights of women.

At international level, the women of Pakistan raised its concerns, however, nothing great out of that came due to political system, social and other evil. For coming into power, General Zia-ul-Haq brought Hudood Ordinance in order to support the fundamentalist. The old, rotten society maintained its silent on various evils like Vaani Swara and Karo-Kari and many such abuses. Judiciary was the last hope however, the judiciary is also highly influenced by politics and their interference.
Why are the women's rights are extinct and why women are not granted their rights?

We need to see whether these rights are universal in its nature. In Article 25(1) of the 1973 Constitution of Pakistan it is stated, man and women are equal in the eyes of law and are entitled for equal protection. Article 25(2) states that state is restricted from making any discrimination against any one on the basis of gender, religion or any other such criterion.

Freedom to a women to is granted by Islam itself. Women has a right to marry as per choice and will. Parents / family member has no right to interfere with her decision. Women cannot be judged by anyone not even by her husband. If any wrong is done by a women, courts are there to decide upon the same and can give judgment whether she is wrong or right and decide on punishment.

There are constitutional guarantees, rights granted by the Islam. Muslims are strong believer of islam and therefore they do have a moral responsibility to raise their concerns against the violence faced by women of Pakistan. So Muslim to raise their head against evil in their own society. Even though so many protection is granted to women under Islam and rights are universal, due to some unsocial elements, fundamentalists, women are facing the problems and protection given to them remains in the books itself.

At Pakistan in order to get in power and keep fundamentalist happy, politicians do whatever is required to be done without thinking whether its good for nation or no. In this race to keep the power, some laws are passed which were atrocious and cruel for women. The Act like "Hudood Ordinances" was passed by Zia. This Act was enacted to give the impression to Islamize the country to extremist. Zia wanted his tenure of
government to get extended by some more years and due to this, the atrocious Act is till date causing undue harassment to women.

One of the conditions in the law is that in case the women is raped, she must produce four pious Muslim witnesses who has seen such a crime being happening further if a women fails to bring four such witnesses, then women, a rape victim will have to face fornication charges; which is a punishable offence and punishment for fornication is stoning till she dies. Such laws are height of cruelty and women are made to suffer mentally as well as physically and no one cares for her.

There are lots of examples of victim stoning to death since they are unable to prove the rape charges. One of such case was wherein a blind girl somewhere in 1980 reported to have raped but thereafter she was unable to prove the same. Since she could not produce any four pious Muslim male witnesses in the court to prove her claim, she was charged of adultery and thereafter she was stoned to death. Before making such ridiculous law, people ignored the basic thing that such a crime does not take openly, they take place privately where women are alone and from where witnesses can be produced. Further. Even though witnesses are produced are they not supposed to help the women.

Such laws raises eyebrows on the very existence of any protection for women in Pakistan. Do we feel that any rights or protection is given to the women under the constitution of Pakistan?

Does the religion i.e. islam allow such abuse? The answer for which is no. However, violence happens against women and such violence are done on the name of the religion. Society remained mum when such a bad law was enforced and now till today such act has kept its place in a civilised society. The politicians retained their chair at the cost of poor women.
Women faces day today victimisation. She may be killed on small / trivial issues simply because she either has not brought enough dowry, or has not acted as per the wishes, orders of their in laws or husband. Women is blamed for having illicit relations and killed under the draconian rules like Karo-Kari custom and without even getting punished for the crime.

New born babies are also not spared. They are also made the target of violence as soon as they come in this world. Custom such as Swara and Vaani are one of such kind. Such custom are heinous in nature further shockingly, such crime are being held as proper by the people having stone brain and ruthless heart. In these custom, when any crime is committed, the abusers family donates a girl to the victims family for the wrong doing. So called panchayats are only lead by Goons and they head such panchayat and pass such brainless orders.

There were many girls who are refused by the family to get married after they attain the age. Supreme Court of Pakistan suo moto taken the steps to restrict and remove such customs from the country.
The data collected by Human Rights Commission of Pakistan reveals the following:

a) every two hours woman is raped
b) every eight hour women is gang-raped
c) 565 women have been killed under Karo-Kari in 2006.
d) Police do not take seriously the crime of honor killings;
e) in 2005, there were 475 such cases, and police was able to catch only 128 accused.

Interior Ministry’s Report:

a) Since 2001, honour killing are around 4100.

Further it was said that, a murderer in honour killing can be free by paying a compensation to the victim's family.

The inhuman and rotten practices were followed by the village Punchayat like raping a women of a culprit family. Mukhtaran Mai was one of such a case, where she was gang-raped since her brother was found guilty of some wrong. For her brother's wrong, the poor lady was punished without any fault of her own except that she is from a culprit's family. No action was even taken by police since, the police was under pressure from the abuser's family who were highly influential.

Women are forced to only deliver male child and in case, female child is born than she is beaten, killed, divorced. Women may face the violence any time in any form. They are stripped and made to walk on the streets as a punishment for the wrong doing of her family. Women are treated worst than animal.
Women are made to work from morning to evening and exploited further she was under paid compared to their male counter parts who are doing the same work. Even during working hours at the job she is made to suffer molestation and other face sexually coloured remarks. Moreso, when she complaints then she may loose her job. With fear of society comments and fear of loosing the job, such crimes are not reported.

Report by an NGO, the Lawyers for Human Rights and Legal Aid (LHRLA) says that in 2006:

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<tr>
<td>a)</td>
<td>7,564 - Cases filed by women for violence faced;</td>
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<tr>
<td>b)</td>
<td>1,993 - Cases filed by women for torture;</td>
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<td>c)</td>
<td>1,271 - Kidnapping cases;</td>
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<td>d)</td>
<td>822 - Suicide cases;</td>
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<td>e)</td>
<td>259 - Gang rape cases;</td>
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<td>f)</td>
<td>119 - Trafficking;</td>
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<td>g)</td>
<td>144 - Offences under Hudood Ordinances;</td>
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<td>h)</td>
<td>792 - Honor Killing.</td>
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The above data are based on reported cases; and because of unreported abuses, the actual crime rate is far more than what is reported.

Problems faced by a women of Pakistan:

a) Women have no choice either to have babies or no.

b) Family planning is very remote and been treated as against the Islam religion.

c) If no female doctor is available, stone age mind people allow the women to die rather then to take help from male doctor. Thousand of women die every year due to lack of help of female doctor.
d) Extremist, doesn't allow Women in tribal and rural areas to get education. Fundamentalist, sees educating women as westernisation. Taliban threats schools to close down or else they will blast off the schools. Such news are very common in northern Pakistan.

e) Prostitution is a lucrative business, poor and uneducated women are exploited of her misery. Women are forced in the flesh trade /prostitution racket. Either women are kept in brothels for the purpose of prostitution business or made to work as domestic slaves under extreme conditions which are inhuman.

Reforms:

For the development and progress of Pakistani women, women are taking help from constitutional and religious rights. Women does now work with men in all fields and they have come out from bad situations of violence and atrocity. Women are now being employed in parliament, politics, health, military, economy, police, foreign services, law, and at all the areas where it was previously not possible for them to see working.

Pakistan Air Force Recently, appointed female pilots as commissioned officers. Governor of state bank of Pakistan is women, Shamshad Akhtar. As a foreign office spokesperson, Ms. Tasneem Akhtar is carrying out her duties Dr. Maliha Lodhi, is working as Pakistani ambassador at UK. Human Rights commission of Pakistan is headed by Ms. Asma Jahangir. She is famour for her bold measures taken and efforts made for trying to relive the victims of human rights violations.

At other levels too including lower level, women are running their own small scale businesses like working in hotels, fuel pumps, and as well as in politics.
They are working in all the areas.

Women are now been given greater role to take part in Parliament as cabinet ministers, legislations, further take part in government divisions at local government level where they are elected as, mayors, deputy mayors at karachi.

In 1955, Emancipation of Women, the first Commission, was formed after Independence. After studying the women’s conditions, the commission presented its report in 1961, suggesting many recommendations, however, due to many reasons, the government has not followed the recommendation. However, president Ayub Khan, after some time in the same year, promulgated the law however, it offered not much facilities to women.

Aurat Foundation, an NGO was formed in 1986, which is enthusiastically working for the rights of women to give them relief which is located in Islamabad. In view of the circumstances, Pakistani women have practically no freedom, no rights which are granted by the constitution of Pakistan. Further, the state is also not able to provide the required protection to the women.

Women’s rights committee has presented report in 1976, however, the government in power has not taken any suggestions and all the efforts taken by the commission yield no fruits in the area of development.

In 1994 the "Commission of Inquiry for Women" was formed. A fresh report was presented In August 1997, however, this report was also not considered and it also saw no fulfilment.

In year of September 2000, the National Commission on Status of Women (NCW) was formed. NCW was formed in order to provide the recommendations to the government to demolish the laws which are
oppressive towards the women. Detailed Report was tabled in 2003 before the government asking for annulment of Hudood ordinance which had very bad impact on the life of women.

NCW of Pakistan is toothless and without any power and it can only recommend. NCW was also not having chairperson for several months. It should be independent in its working so that it can with force implement the recommendations. India also has a national commission for women, Indian commission is very strong in its approach and it has a power to call any officials from the authorities.

Pakistan During the year 1996, ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). The convention came into existence with an object of eradicating all the discrimination against the women.

UN expects the states to take strict measures against the accuse. Further take steps to reduce the violations which withheld the women’s rights, freedom, justice and equality. In case, new laws are required for giving the rights, government is expected to do the needful.

November 2006 was very important for the reform in the life of Pakistani women which relieved the Pakistani women from violence of brutal nature which have been inflicted by Hudood Ordinances. Pakistan parliament passed "Protection of Women Rights Bill (Criminal Laws Amendments)". The bill ensured to free the women from the atrocities of Hudood ordinance. However, the bill was vehemently opposed by Religious fundamentalists as usual opposed. The leader of opposition Maulana Fazl-ur-Rehman said that the bill is "to turn Pakistan into a free-sex zone".
Bills made the following changes:

a) No punishment for women on failure to produce the witnesses for rape charges.

b) Sessions court to intervene if family settles the matter with violators.

c) Offence made as punishable under Pakistan Penal code.

d) Prohibiting the practice of women been exchanged for the settlement of dispute whether by marriage or as Vaani, Swara.

Three-years imprisonment and fine was levied for violation of the any of the provisions.

e) Women are also protected against depriving the women from her inheritance rights and punishable with seven years imprisonment under 498A.

f) Getting the women married forcefully is also regarded as offence under Section 498B and punishable with three-year imprisonment and fine.

g) Women are also given relief from being married to Quran. Such practices are also punishable with three-year's imprisonment.

In 1981, at Karachi, Women Action Forum was formed with the objective to deal with the issues faced by women pursuant to Hudood Ordinances. Many activities were started to take the matter forward. It caught fire since one women was flogged since she got married as per her choice.
Pakistani people has maintained long silence over the entire issue or the rotten practices. There is a need to wake up against the violence for the people of Pakistan for the Protection of Women Rights rather then making innumerable laws.

**National Commission for women:**

In July 2000, National Commission on the Status of Women (NCSW), statutory body was established in order to deal with various discrimination against women. In order to fulfil the various commitments given by the Pakistan, NCW came into existence. Government of Pakistan had also confirmed various declaration like Beijing Declaration and Platform for Action, 1995; and National Plan of Action (NPA) for Women, 1998.

**The National Commission on the Status of Women (NCSW) was established with objectives of:**

a) to examine policies framed for women and suggest suitable recommendations for making amendment in laws concerning women;

b) to make changes in the gender based approach of the society and politics. There are various programmes and measures rolled out for the development of women which is taken by the government. NCW takes steps to examine all the steps and programmes.

c) NCW to recommend the changes in laws, rules and regulations after reviewing them for the benefit of women;

d) to redress the complaints raised by women against the violations of women's rights. It also solves the individual grievances;
e) to monitor mechanisms through which the steps are taken to rescue women and procedures which needs to be followed for such redressal;

e) to encourage and sponsor research to generate information in the field of women and gender disparity;

f) to easily understand the problems faced by women, there is a need to keep flow of continuous communication and dialogue at national, international level, this can be done by maintaining communication with NGOs, experts and individuals in society.

g) any other function as per the assignment given to the NCW by the Government of Pakistan.

**Background:**

There was a demand of one commission for human since many years and in response to the same NCW came into existence. Women who were since 1947 were struggling for the rights which are required for their development and to free them from violence required to have one common platform which can raise their concerns. Women fought for the freedom along with muslim league.

Women did lot of work while many had shifted home and were staying in refugee camp. Women reinforced their existence by doing remarkable work in settling the people. However, there are some major event which has direct bearing on NCW and women which need to be mentioned which are as follows:
a) In September 1954, Bill on Charter of Women’s Rights was presented by Begum Shahnawaz, and Begum Shaista Ikramullah. The bill was unanimously adopted by the parliament without opposition.

b) Bill proposed for many reservation of rights like reservation in quota in Federal and Provincial Assemblies of Pakistan, equal status for women, equal opportunity for employment, equality in payment for work for the equal work for women, and guaranteeing all rights for Muslim women under Islam personal law.

c) With the efforts women and APWA, women were allowed to cast a vote for general seat as well as for women’s reserved seats.

d) They were also allowed to stand for election from general seats.

e) The 1973 Constitution recognized the equal status of women by affirming in Article 25 that:

i) Before the law, all the citizens are equal and they are also entitled for equal protection which is given under the law;

ii) There shall be no discrimination against any one based on gender.

iii) State may make the special provision for the benefit of women and children.

f) United Nation proclaimed the year of 1975 as Women’s year. The First UN Conference on Women was held in
Mexico and it was attended by a Begum Nusrat Bhutto along with other delegation.

g) Mr. Zulfiqar Ali Bhutto set up the Pakistan Women's Rights Committee on 31.01.1976, being headed by Mr. Yahya Bakhtiar, with a view to better off the conditions of women at social, economic and legal level. The commission was also entrusted with a work to recommend the relief which can be granted to the women for maintenance and custody of child and in various other areas. However, its recommendations as suggested by the commission and the various measures to be taken for development of women were all thrown out by new government.

h) Women suffered lot during Zia's government. Women rights were violated in all aspects and treated no better than a animal. She was killed for petty issues by husbands, no choice of women was allowed, she was totally controlled by family wishes, over and above ordinances as Huddod took toll of women.

h) There was a women's division which was converted into Ministry of women's development in 1988 under the governance of Benazir Bhutto.

i) In 1995, government of Benajir Bhutto's government showed lot of interest and took steps for protection of women's rights. Further went and ratified at a conference at Beijing, which recommended that mechanisms should be put in place to meet defined objective for improving human rights condition. Pakistan also ratified and signed in 1966, the Elimination of all forms of Discrimination Against Women (CEDAW).
j) In accordance with the Beijing conference, in 1998, the fifteen years National Plan of Action for Women were made. The areas which needed the importance relating to women were violence, poverty; health, education, training; power, decision making, economy, Armed Conflict, rights to women with disabilities; an most important was institutional mechanisms for enforcement of human rights of women.

k) In order to the increase the women's participation in politics and development, in 2001, the government took decision and thereby, 33% seats for women are reserved at local level for women.

**Commissions and Committees**

As per the Report of the Commission of Inquiry for Women, 1997, in Pakistan, many committees were appointed, such committees gave many recommendations, suggestions, however, their suggested measures were not given much importance in law and policies. Further, wherever, amendments were made based on the suggestions, they were in adequate. Therefore, such committees never achieved its desired objective for improving the status of women.

a) Commission on Marriage and family laws was incorporated in 1955, to examine as to whether the prevalent laws governing marriage and other related matters like, divorce and maintenance among Muslims requires any amendments so that women can be given its status in the society as per the fundamentals of Islam.

The Commission stated that there needs to be amendments in the various areas for the development and improvement of women. Further it emphasised that as a Muslim, we are duty bound to make the society dynamic and adoptive. The said report was only partially considered.
b) In 1975, the Pakistan Women's Rights Committee was set up which made efforts and suggested progressive changes to several laws, mainly the
West Pakistan Land Revenue Act, Family Laws Ordinance, and the Divorce
Act.

Suggestions were as follows:

i) Wife and children to receive the maintenance after divorce;

ii) Women to receive the share in the property of husband;

iii) Women to be given the custody of children who are beyond the ages specified in Islam;

iv) To make the changes in the labour legislations to offer equal pay for women;

v) Women are required to be represented in local and national assemblies and therefore reservations are required to be done.

vi) It was recommended that, compulsorily all the political parties are required to give ten tickets to women for election.

vii) To give the utmost importance on education and employment for women in all the areas. Encouragement is required to be given to women in sports, culture and the media.

viii) Commission to be formed for women for recommendation of changes to women's law and not being only watch dog.
c) In 1983, Pakistan Commission on the Status of Women was formed by Gen. Ziaul Haq, who had faced lot of criticism. The main work which was assigned to the commission was to suggest what changes are required in law as what safeguards are required for protection of women's rights.

The recommendations were suppressed, and thereafter, when another government of Ms. Benjir Bhutto was formed, the Commissions recommendations saw some ray of light and the recommendations were considered by new democratic government.

c) After all these efforts also, the disparity between two gender did not reduce however, the same showed the increase. There were may laws which were discriminatory. So in 1994 socio economic scenario suggested many disparities.

d) In a senate, a private member resolution was passed and therefore, another Commission of Inquiry for Women was set up. The commission made the report in 1997. The commission made lot of research and analyses which is useful for researchers and to people who are interested in reading and gaining knowledge.

e) Finally, in the year 2000, the statutory body, National Commission on the Status of Women was established.

It comprised the following members:

i) Chairperson

ii) 18 members from the four provinces,

iii) a representative of the minority community

iv) three ex-officio members from secretary, Finance, Law and Interior.
Thereafter, NCSW started working with inadequate staff under the wing of the Ministry of Women's Development with inadequate staff and resources to handle the large complaints of women. Such infrastructural deficiency affected its working and ability to deliver the results as expected. However, in case, resources are provided to NCW for its smooth working, then it may meet all the expectations of the women of Pakistan and be successful in developing the status of women.
United States

The United States of America is a federation of fifty sovereign states. The Constitution of United States has given limited powers to states to make laws concerning only to states. Whereas other laws such as property rights, inheritance, domestic relations concerning women lies separately with centre.

Section 1 of the United States Constitution states that Citizens are the people of United States or any states who are born in the particular state or naturalised in the said state. Therefore, the state should not enact or implement the laws which are against the privileges granted to the citizens. Further, citizens shall not be deprived of their rights of life and liberty without following due process of law.

This particular provision guarantees the women, the rights of citizens and prevents them from discrimination against women on the basis of sex. The supreme court had struck down many laws which had made discrimination against women in violation of this provision. The court ruled that the states can make discrimination only when such discrimination is related to governments objective.

In Craig v. Boren, 429 U.S. 190 (1976), court held that unless the standard of government objectives are met, the state laws must treat men and women in the same manner. Apart from these the federal states can make their laws and frequently, the laws are different in various states.
There are various rights granted to women in United States:

1. **The right to vote:**

The constitution of the State of New Jersey, in 1776 granted a right to vote to, the tax paying women. However, after some time this right was withdrawn by stating that the right candidates are not supported by the women. Territory of Wyoming, extended the right to vote to women, after a long wait of sixty two years.

Women fought for their rights for allowing women in all the states the right to vote. Ultimately the amendment was carried out and all the women were guaranteed the right to vote equally with men. In nineteenth amendment to the constitution. It provides that there shall be no discrimination against any of the citizens of United states based on sex.

2. **Right to be elected:**

For taking part or holding any political position / public office by a women, there are no laws prohibiting women in United States. Any such laws would have contravened the rights enshrined under the Constitution. Even though there were no laws which restrict the women from political position or holding public office, the participation of women was insignificant. Records shows that very less women were part of political position and in public office.

3. **Women can take part in any suit:**

As a result of many state Acts, women can now freely participate without any limitation in any court proceedings whether civil or criminal and women can sue or to be sued. In 1971, the State of Idaho had a
statute which stated that where a person dies without a will, in order to appoint a administrator, two male members of the deceased family are preferred based on the argument that male members has more knowledge relating to the business.

United States of Supreme court rejected this argument in Reed v/s. Reed, 404, U.S 71,76(1971) and stated that such distinction was arbitrary and against the Equal Protection clause of the fourteenth amendment which forbids the law which are discriminatory.

In another case law, Taylor v/s. Louisiana, 419, U.S.522 (1975), supreme court held that in a criminal prosecution, the Constitution of US guarantees the right to trial by the judges which are selected from different sect of the community. The said procedure was violated thereby totally excluding the female selection. Thus, in the United States, women not only have the right to participate in lawsuits but also be part of judiciary.

4. Legal status of women:

The Constitution with an amendment provided that all the persons who are born or naturalised in the United states are regarded as the citizens of the State and Federal state where they are having a place of residence and therefore no such laws should be made which restricts their rights of citizenship solely on the discrimination of gender and on their marital status.

5. Domestic Relations:

There are many divorces and as compared to male, the female rate of divorces are more. The rate of remarriage of Women are also low. For every 1000 persons married and non separated, eighty four are divorced. Laws relating to domestic relations are legislated and governed by the states. Therefore, matters relating to divorce, custody
of child, legal separation, property issues are all governed by state statutes and the decisions given by the courts in various cases.

All the states provides for obtaining the divorce without fault of any party after they lived separately for a specified period as defined under the law of the state. There are grounds of divorce also prescribed under the law which are like desertion, adultery etc.

There are also provisions made in the law for alimony and maintenance, traditionally the award of support was to support the women however, now the award of support is to either spouse. Earlier the courts were giving the custody of child needs to the father however, later on with progress in the interpretation, the interest of child, tender age of a child was being considered in handing over the custody of child. The child custody is not prevented by finding a fault in a spouse. In addition to finding a fault, the court should also come to the conclusion that its not in the interest of a child to handover the child to a faulting parent. In most states, the property law are different from one state to another.

6. **Right to Administer ones’s Assets in marriage:-**

English common law was adopted by all the states which provided that wife and husband is one person in the eyes of law and that one person is a husband and the husband shall have all the rights to control the property acquired by the wife. All the property shall automatically vest in the husband and he gets the right to dispose off the same.

In 1809, the state of Connecticut passed the statue and granted the married women to dispose off her assets through will. Thereafter all of the states passed laws relating to the rights to property for women. Some of the states had adopted a community laws, which mentioned that both husband and wife has equal rights over the property acquired
by husband or wife however, right to dispose off the same was given to the husband only however, later on all the states amended their laws giving wife the right to control the property owned by her.

7. **Equal pay for equal work:**

There was a statue on the Fair Labour Standards Act, the same was amended to add the provision in respect of prohibition against different payment for male and female based on the gender. Employers are now prohibited to make discrimination amongst man and women while making the decision for the payment for the work done by men and women. Such discrimination cannot be made when both worked in same location, working condition, work which requires equal skill, efforts and responsibility from the employee.

Any women who is aggrieved by non payment of equal remuneration, she can apply to the court by filing the suit and the court may direct the employer to amend its schedule for payment. In addition to that the court also has the power to direct that two years back wages be paid to her and in case of willful default, the court may direct the employer to pay three years of payment as penalty to the women.

8. **Maternity Leave:**

The Supreme court held that the employee who is on maternity leave or who avails the maternity leave cannot be made to loose on the seniority which she has acquired. It was also held that without having regard to each employee’s capacity to work, the women may not be arbitrarily required to take leave for a long period i.e. either fixed time before and after birth of child.
9. Child care:

The government directly does not provide child care facilities. However, the government gives relief under the federal tax by offsetting or reducing taxes for the families who are having children. If one of the parent does not work or receives no income then tax deductions are not allowed because then such day care expenses are not employment related expenses but they are personal expense.

10. Criminal law:

Most of the criminal law defines the rape as sexual intercourse by a man with women without her consent and who is also not his wife. Some of the states have also covered man who are victims under the law. However, the women who are married and are forced to have intercourse with the spouse has no remedy in the present written laws.

Conducting the business for prostitution is also prohibited and illegal. With a tenth amendment to the constitution, each state was given liberty to either prohibit or allow the prostitution in the particular state. However, in most of the state the prostitution is being treated as crime against society and therefore prohibited which means the community is affected by it.

There is also a prohibition on one spouse not allowed to testify against another spouse since the communication is being treated as confidential. However, in the crime relating to domestic violence, this prohibition is not followed.
China:

Chinese women do enjoy a very admiring status in legal as well as society. Before 1949, China was a semi-feudal and colonial state and therefore, there was a lot of pressure of patriarchal system on the women. However, the same was changed along with the new foundation of China in 1949.

Status of women of old China were not very admiring since they had no political rights as well as they even had no society freedom. Women were absolutely dependent on their family for their financial needs, further they had no rights of inheritance and no right in the property. Women of China were not working and therefore they had no source of independent income. So they had no status as far as society is concerned. They were led by father at their home and after marriage, they followed husband and in their last phase of life they were led by the son.

Founding of New China saw various social movements and various law reforms could be seen. Herein below mentioned are the areas where China saw the reforms:

a) Election
b) Land
c) Women’s participation in social work
d) Drive to eradicate illiteracy
e) Marriage Law
f) Prohibition of prostitutes
g) Legal system development
h) Protection to women’s rights
Article 48 of the Constitution of China:

Constitution of China grants the equal rights to women in the People’s Republic of China. The right of equality to women is guaranteed in all the areas i.e. social, political, cultural, economic and also in the family life women are granted the right of equality. Women's rights and various privileges are protected by the state. The China ensures that women gets equal pay for equal work done by them. Further china also takes initiatives in training the women's leader.

Article 49 of the Constitution of China:

In brief states that there should be development of legal system for protection of women's rights. The state laws covers the areas such as children, marriage, family. The laws covers the aspects such as obligation on husband as well as wife to take measures for family planning. Parents to have the responsibility to raise their children and educate the minor children. Adult children have the responsibility to take care of their parents who are old.

State to allow the freedom to marry as per the choice of each citizen. The state to take care of aged people, women or children and further and most importantly to take steps for the development and protection of rights of women.

Other laws:

In china many laws are in place and the laws are concerning marriage, inheritance election, criminal law and Civil Law. There are other 40 administrative laws and regulations which all has the provisions for protecting the women's rights.
These are the following rights which are enshrined to safeguards the women:

1) personal
2) political;
3) rights of working women;
4) educational and cultural;
5) personal;
6) property rights;
7) marriage related right and family rights.

Though there are lot of legal protection available to the Chinese women, however in any society there is always a some difference between legal protection and reality in society. Chinese women are facing various legal challenges since there were many economical challenges and the global changes.

In order to deal with all these challenges, many laws were revised to provide the various safeguards to the women’s rights and interests:

a) Countries basic policy is equality of men and women.

b) It's the responsibility of the government and it's the main body for strengthening and enforcing the law mechanism.

c) government to prescribe the political rights of women.

d) Stipulation of cultural rights and interests of the women.

e) Laws relating to safeguarding rights of women needs the amendments and revision.
f) Working rights of women and the related interests of women to be given the protection and social security.

g) There are many land contracts in rural areas and the government is required to give protection to safeguard the rights and interest of women.

g) To provide various provisions which strengthens the rights of women against domestic violence and sexual harassment.

h) Government to makes the policies and laws which strengthen womens rights relating to family, marriage, rights relating to reproduction. Health of the women is also required to be taken care.
**Arabian countries**

It looks like women are, as always, being oppressed and were kept away of their rights in the supposed black hole of women's rights known as the Middle East.

Thomson Reuters Foundation conducted a survey which showed that Arab women have not seen greater freedom or expanded rights since the beginning of Arabian countries.

The survey results found that Egypt is the worst country to be a woman living in the Arab followed closely by the other countries Iraq and Saudi Arabia. There are Nineteen countries which signed the U.N. Convention to Eliminate All Forms of Discrimination against Women. In the survey the questions which were put to all the nations, were based on the said convention.

**The role of women:**

In Arab countries, the women were is being treated as of secondary and her this status is being supported by the social and cultural mechanism which does not allow the women any freedom, equality between man and women.

Arabian countries has to go long way before the women's participation increases in politics and economy.

In 22 Arabian Country, Egypt is considered as one of the worst country according to a poll of gender Experts. Various aspects were considered while taking a poll and accordingly following facts were highlighted. In a survey held, 330 gender experts were interviewed from 21 Arab states. Egypt is the worst country followed by Iraq in terms of everyday harassment.
99.3% of women and girls in Egypt had been subjected to sexual harassment. The survey conducted as aforesaid brought to the notices that in Iraq, the women's position is worst than women's state at the time of Saddam Hussain. As per United nations, women from Arab World have very less participation in labour force of the nation. Further, in Middle East and North Africa, there is a hardly any participation at politics level. Only one women from Algeria is a Deputy Executive Director of U.N. Women

Conservative groups have increased in the past 30 years over and above the cultural and religious effect over the women and that have caused women remaining behind in almost all the field.

There are many factors which affects the status of women over and above the general gender based discrimination like education. Violence against women at all levels, work opportunities, family, labour related market which has very different organizational structure.

Women need to be given the appropriate atmosphere to make them progress and develop in all the field. Conservative groups are linking the women's rights with westernization and immorality. However, this all is clearly a political gimmick and it should not be considered as religious or cultural practices.

In Islam, women needs to be treated as equal and equal pay for women and further education should also need to be given to the women without any discrimination.

How Arabian countries can improve the women's position: There are reforms which are required to be done at all levels. Government need to make policies which are favourable for growth and development of women and in accordance with internationals conventions. Women are
not only required to allow participating in work but they are required to
be encouraged by various development programs.

Women are required to be given training for building their skill. They are
required to take care of the family and work place therefore measures
are required to be taken so that such duties can be rendered by them
smoothly and effectively. Child care, maternity leaves, and policies for
preventing violence against women are required to be enforced so that
effective environment may be provided.

**Various data shows that:**

a) 6.5% of women works with public sector, compared with a world
average of 15.7%.

b) Women account for only 25-30% of the workforce, while the world
average stands at around 45%.

There is lot of difference between Arab countries. In some countries there
is lot of progress has happened towards the protection of women's rights.
Further there are some countries where women's rights concept had not
even seen its rising sun.

70% of graduates in Arab countries were women in 2007. 31% of women
has jobs in public administration department.

One of the leading Arab country is Tunisia where 40% of doctors and 70%
of pharmacists are women.

The principle of equality is expressly guaranteed by the legal code and
Articles 20 and 21 of the Constitution state: –women are electors and
eligiblell.
Many countries followed Tunisia on 13.08.1956 in terms of women’s rights. The countries which followed are Egypt, Syria, Jordan, Lebanon, and Morocco:

a) abolition polygamy,

b) divorce by judicial steps,

c) a minimum age of 17 years is fixed as a consensual marriage,

d) in case of death of father, mother been given the right to become be a natural guardian for the children who are under age.

There are various NGOs working for women which has taken many initiatives however, the gulf states are very behind including United Arab Emirates and Bahrein, The equality for women in arbian countries still needs to go far for achieving the equal status for man and women.
**United Kingdom:**

UK was no different from other countries with regard to oppression of women's rights. Women at the ancient cultures also were subordinated to men socially and legally. Women were treated inferior right from the human came into existence. All mention in documents, scriptures and some cases do justify inferiority of women to man.

In Ancient Greece, Athenian women were not allowed to avail the education further they were married at puberty to a grown up men without her consent. Women were considered and treated as the property of their family/fathers. Her family used to take all the decisions for them like marriage, divorce. Further also get them married to another person. In making all the decisions regarding women, women's choice are not taken into consideration at any stage.

Women were not allowed to leave the home without any company of male member. Women had no right to purchase or sell the land. In case of the offence like women being raped, her husband will decide whether he will stay with her or divorce her or in the alternative he can decide to leave the citizenship of a particular state. A women who was raped were not allowed to take part in any society / cultural ceremony or not even wear jewellery.

'Among the Anglo-Saxons women occupied the same important and independent rank in society which they now enjoy', wrote the editor of the Lady's Museum in 1829.

Anglo saxon women were allowed to possession of property, right of inheritance, she has a right to sell the property; women are equally represented in parliament, they share equal status in social festivals. Anglo saxson women could file the suit in any court for justice as well she cam be sued in case of any wrong.
Many laws were derived from these old documents and scriptures which has many century old patterns which were against the women. Therefore old patriarchal system way of life which became difficult to do away with. Such system against the women was so deeply rooted that it was not even considered any type of opposition.

1) Women lost their own identity in the eyes of law as soon as she gets married under English Common Law. As she gets married she is covered by her husband’s identity. Women after marriage was not allowed to sign the contract. She even could not file any suit or nor even she can be sued under the civil action. Women could not own anything except her clothes, plate she used to eat, jewellery and bedlinen. Women’s husband owned each and everything like any gifts received by her during the ceremony of marriage. Whatever she earns also belonged to her husband. Husband owns all the interest in the real estate owned by the women however, the husband cant sell the same without the wife's consent.

2) After the death of her husband, widow do have a right to acquire back the property of her own. Widow also has the right over the husband's property. It means that, during the 14th century, a women was entitled to one-third of the property owned by her husband during his life.

3) Even after the death of a wife, a widower continues to have a interest in her property. This particular right was called as tenancy “by the curtesy‖.

4) Since all these rules which were framed were not in the nature of gender equity. Therefore, trusts were formed, wherein the property of a married women vests in the said trust for her
benefit. Even after her death the property remains with the trust and therefore, her husband do not get any interest and right in the property. In the late 19th Century, after lot of agitations, and various campaign, the laws were changed in favour of women for their benefit.

5) There was also a gender disparity seen in terms of punishment awarded to the women who kills her husband. She was not considered as a murderer, but as if she has killed the King of the state. Her punishment was also different from the other offender of the same crime. She was given a sentence of burning alive. However, the punishment for man killing wife was hanging, women killing husband was burning alive.

6) Women were got married at a tender age of three to four years. Such rotten were the practices, where the laws were also aged old stating that girl of seven years of age could give legally a consent to enter into marriage. The law atleast stated that the man cant consummate the marriage until the girl attends her 12 years of age. Laws were out dated and there were no provision to punish the rapist in case, the women becomes pregnant reasoning was that god has approved this relation and therefore rapist should not be punished.

7) In Britain women's suppression has become rampant during the 1500s and 1600s. Whatever little women had with regard to economic power, was also lost by them during the Renaissance. This loss has happened since men started more and more going out and earning by pursuing their professions, however, women remained home and worked whole day but her labour had no value. Her work was unpaid and without any reward and recognition.
8) To give education to women was considered as not necessary.

9) Women in London, in 1648 made the demonstrations and demanded that women should get equal rights. Women also presented before a parliament in 1649 a petition signed by ten thousand women with all the demands.

10) Thereafter, Chartists signed a charter demanding that:

a) Every one should have a right to vote

b) Equal number of electors should be there in constituencies.

c) Secret ballot to be used for Voting

d) Every year a new parliament should be elected.

e) A condition to own a property to stand in election should be abolished.

11) As of today, in Brittain, the gap between man and women is reducing. Gender disparity is slowly moving out of the society. This reduction could be seen in many areas such as education, employment and health issues.

12) Women's position as compared to previous years have shown the improvement. On an average, women seen living longer than man however, over the years this gap will see the reduction. Women's population in the senior citizens category i.e. 60% of old people is more than 70 years of age.
13) Due to various efforts, now economy has seen the increase in the employment ratio of women. Further as compared to previous years, males ratio in labour market has declined.

14) Working patterns have changed, the employers have offered the flexi working hours and therefore, six million people are availing this benefit of flexible working hours.

15) In terms of education also women are doing better than man. In the late 1990's, both boys and girls have shown considerable improvement.
Canadian Laws:

Women at Canada has all the rights and protection available for the right development and protection for safeguarding their rights. Canada is a leader country which promotes and protects the women's rights and issues arising out of gender inequalities. In Canada, Central Government takes the responsibilities of making policies on all these issues. Canada is a nation which clearly understands as well as believes that equal rights to all is not only required for better human rights in the nation but also required for the sustainable development, social justice, peace, and security for all the human beings / citizens.

Sustainable development in terms of security, peace and other can be achieved, only when women are given equal right to take part in development as well as decision making i.e. in politics. Various rights are enshrined and recognized in the Universal Declaration of Human Rights (UDHR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Canada is a member of United Nations General Assembly. Further, 1981 CEDAW was ratified by Canada. After signing the said convention, it took lot of measures to make/amend the laws and put in place various mechanism for implementing the laws and policies.

After becoming the confirming party to CEDAW, it was governments responsibility to take the steps as per the standards set in CEDAW. Further strong mechanism is required for implementation. UN made lot of emphasis on promoting and safeguarding the women's rights and therefore, lot of progress could be seen in gender equality. After all these steps also, the struggle was yet to get over and go long way before achieving the ideal situation.
One of the important milestones in moving in the direction of equality for all was, UN World Conferences on Women. Its proclaimed women needs equal human rights. Further Fourth world conference, the Beijing Declaration and Platform for Action at Beijing in 1995, and the review meetings held every five years since then for determining the steps taken, are very important to achieve gender equality and for development of women and their equal progress.

**Women’s Human Rights**

Countries main focus is protecting and developing the women’s human rights. Various bilateral discussions as well as discussions at multilateral forums helped in achieving the focused priority for women’s rights. UN has specifically given the focus on the issues of women. Canada helped in bringing up the status of women and developing them. Canada worked religiously towards meeting these goals.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was signed and ratified by Canada. Under CEDAW, the UN prescribed the international standards with an objective of eliminating all forms of gender discrimination. In 2002, Canada also signed and ratified the Optional Protocol to the CEDAW. The optional protocol laid down the procedure to avail the remedy at international level for giving justice to the women when they are unable to avail the same at the national level. A women or entire group of women can approach the Committee and submit the complaint once all the remedies at the national level are exhausted. Committee can make enquiry against the nations who are violating the conventions even after signing and ratifying the provisions of the convention.

Vienna Declaration and Programme of Action 1993, Canada has also ratified the said convention. The convention affirmed that women’s rights are human rights. At Vienna convention all the signatory nations,
with a object of making the efforts and developing the women and taking steps for safeguarding the women, came together. At the fourth world conference on women, Canada made important contributions. At the conference, the members identified 12 areas which needs focused attention and further it also set out course of action which is required to deal with these areas.

**Women in Decision Making:**

What is important in order to achieve the development, advancement and improving the status of women. The state need to ensure that women participate equally in all the areas i.e. in the area of decision-making at political, economic and social life. Further such a noble approach allows the society to avail of the various benefits like capabilities of women, her talents, ideas comes in light and thereby women develops and society is benefited.

As a central priority, Canadian government started the Federal Set up for promoting the women's advancement and promotion of their rights.

Canada is also working internationally with other nations who are having the similar object so that United nation attains its object of equal representation of women in all spheres like man. Canada takes lot of efforts to promote this object at all the international forum such as the Organization for Security and Cooperation in Europe, Organization for Economic Cooperation and Development Commonwealth, in French, the Organization of American States.

**Priorities in Foreign policies:**

Following are the Canada's foreign policy priorities:

a) eliminating violence against women in all the forms and manner;
b) make provision for women so that they can participate equally at political, social and in the area of development by making decision at all levels;

c) All the laws and policies to be mainstreamed by including therein gender based perspective;

Violence against women is a global phenomenon and it takes many forms and affects every society internationally. For example the rape on women is used as a tool of war, female genital mutilation, domestic assault, sexual slavery, abortion of foetus. All these violence impairs the development of women. It also does not allow the UN or for that case, any nation to achieve its object of achieving the equality for all and advancement of human rights of women.

Canada is also a member of Security Council of UN. During the year October 2000, it ratified the Security Council's Resolution 1325 on Women, Peace and Security. Canada is a leading the way towards an international agenda who is taking lot of efforts at international level for advancement and development of women. Resolution 1325 is an intensive research work carried out by NGOs, UN agencies and other governments. It is called as landmark document on human rights.

Resolution 1325 is one of the first resolution made by Security Council's to deal with situations like war/armed conflicts between nations. It specifically dealt with women, peace, and security. For the first time, it dealt with issues like equal participation of women in the process of peace building internationally. It also emphasised on training a personnel and giving them gender sensitive training to all the member nations.
Following are the goals of Security Council Resolution 1325 on women:

a) Participation of women in peace building processes;

b) Gender based training in the operations of peace building;

c) Protection and respect for women for their rights;

d) To reduce gender disparity between man and women. Further make reports to the UN regarding implementation system on conflict, peace and security.

The Canadian government took serious measures in order to implement the provisions and various clauses of Resolution 1325 and in 2000 made its report of full implementation to the UN stating that in all the areas as prescribed, the UN's resolution is successfully implemented.

Canada has worked rigorously and advocates for the integration of a gender perspective in humanitarian approach, armed conflict and peace building processes. It also works with International Criminal Court for prosecution of gender-based crimes at international level. Canada follows up with other nations for resolution on women, peace and security.

Canada and the United Kingdom developed a training programme to support peace building for military and civilian personnel. The three days course provides material on how to address gender sensitive issues and attain the peace. The course gives overviews of the issues faced by women, what is the law internationally and also does case study.
During Spring 2002, the very first of such type of training programme was conducted for Canadian mixed military and civilian audience. The said course was thereafter included by the United nations in the development of their own standard training programme modules for peacekeepers.

Domestically, Canada in order to successfully implement Resolution 1325 had set up a, committee called, Canadian Committee on Women, Peace and Security. The said committee comprises of parliamentarians, civil society representatives and government officials, and has and till today has focussed its work on protection of women's human rights, advocacy, capacity-building meaning development of capacity of women, and gender sensitive based training. All such efforts are taken for the protection and development of women in a progressive direction.

**Conclusion:**

As per United Nations data collection on women's facing violence is as under:

**Worldwide today:**

1) Out of three women, every one women is being sexually abused or beaten during her lifetime. Such sexual abuser is out her family member or a known person.

2) Males who witness in the childhood violence at their family by the hands of the father, tends to commit the abuse, ten times more against women.

3) The percentage of girl being raped in some countries is more than the percentage of girls are sent to school.
4) Sixty million girls are sexually abused, while the girls are on their way to school or at the school,

5) Out of the total people trafficked across the nations, 80% are women and girls i.e. total people trafficked are 800,000 out of which 640,000 are women and girls and out of 800000 people trafficked, 505,600 are trafficked only for exploiting them sexually.

6) Mostly in Asia, 60 million girls goes missing due to various reasons.

7) While women is pregnant, 5% of women stated that they are physically abused.

8) Almost 50% of Indian women, witnesses abuse during pregnancy.

9) 80% of women in Africa have under gone the abuse of female genital mutilation. All over the world, 100 and 140 million women approximately have suffered from this abuse.

10) Worldwide, more than 60 million girls are married during their childhood.

World wide women has faced the oppression and violence. Women had struggled to get their rights, the journey was too difficult since the violence was widespread in all forms. The women faced situations of its worst kinds however, various international treaties, conventions, and various provisions of laws made domestically, the situation faced by women, difficulties of women saw some ray of hopes. We saw that the crisis faced by women were visible world wide and efforts made to improve the conditions of women and develop them by eradicating all forms of violence so that they can also be developed.
Hypothesis

Hypotheses are the assumptions which the present study either proves it positively or negatively.

The following are the various assumptions made in the present study:

1. Human Rights violation against women are rampant in metro city.

2. Awareness of human rights amongst women has definitely reduced the human rights violations.

3. Enacting the various legislations to protect the women against the human rights violations has not resolved the human rights violations faced by the women.

4. Domestic violations are faced by most of the women at their homes in their day today life.