Abstract

Human rights are basic freedoms which are granted to humans for enabling them to lead to life with dignity and respect.

Women needs to be educated and well developed, in order to eradicate the poverty and ensure the development of any state, so that entire state can move in the direction of progress. Many issues are of concern such as domestic violence, health hazard, gender disparity and intimate partner violence, though many steps are taken in order to protect the women and develop them in all respect / areas.

Women are subjugated and oppressed by the society and her status has been pitiable in all aspects of her life. Her own family members has been oppressive throughout her life time is a matter of history. In ancient Bharat, manu laid down principle which considered the women as worthy of worship.

In today’s world also in hindus many deities are female figures and are being stated as –Mata‖ or –Ma‖ but this remained within the four corners of walls of temple and has not reached the doors of common human being in their day today life.

The Indian Constitution is very important and fundamental law of land in India, which came into existence on January 26th, 1950. Universal declaration of human rights was being drafted during the same time which is a landmark declaration and therefore our Indian constitution is robustly influenced by the said declaration. The principles governing gender justice and equality in all aspects of human life are firmly established in the Indian Constitution which enumerates the various rights which are basic and fundamental for all Indian citizen. There are many other laws over and above Constitution of India i.e. the Indian Penal Code,1860, Indian Evidence Act, 1872, Code of Criminal Procedure, 1973, the Indian Penal Code, 1860 and
the Indian Evidence Act, 1872, there exist nearly forty five (45) legislations, which have made various provisions for safeguarding the women's rights.

There are number of legislations to protect the women's human rights, however gender based disparity and various forms of biasness is more observed and women are most vulnerable. These are abuses which affects the civil i.e. societal and political aspects of human rights of women. These abuses can be seen in terms of the violation of the right to freedom of speech, arbitrary detention without following due process of law, torture during imprisonment and humiliation, and summary execution of the inmates. While so far and yet times when women faced violations, the women have been able to invoke international machinery for safeguarding their human rights.

Some of the crimes against women which are committed however, they were never openly visible is rape committed while women being detained i.e. the crime of rape committed on women while in jail. This invisibility is shocking because women have been since years together and moresoever, traditionally been restrained or relegated to the "private" domain of the home and her own family.

The male has been considered as citizen of the state and therefore, for all human rights violations faced by women was treated as primly done by male. A major cause of concern are the violations faced by women at the private places between private individuals. Such crimes were invisible and therefore, the state could not reach to the women for safeguarding them against such abuse.

Therefore, it is of utmost important for the government to make the policies, rules and regulations which intervene in the such private sphere and initiate the steps to stop such violations. There are many such examples such as which happens behind the close doors such as murder committed by siblings or the systematic enslavement carried out by the family members. At utter
Thus, common women's rights violations which are committed are in the name of honour, religion, culture and custom and they are hiding behind the close door of the family or private sphere. However, perpetrators of such human rights violations have enjoyed protection / exemption from the accountability for their criminal actions.

The Indian government has also articulated in the various provisions of law, the safeguards for protecting the women from facing the violations however, India has failed in its successful implementation since the women's rights are violated in every sphere of her life such as sexual harassment at work place, dowry demands has not reduced till date and it raises its head even in urban city and failing which the women is put to high risk to life and perhaps she is also killed or burnt alive. There are also honour killing in the name of respecting castisum in the society, increasing atrocity against the women which is a day today head line of the news.

There are various sections of crimes relating to women in Indian Penal Code, Criminal Procedure Code and also there is a entire Act on Domestic Violence Act, Child Marriage Restrain Act and various other Acts for safeguarding the interest of the women however, at its utter surprise till today such Acts have not become or has not resulted in huge success to protect the human rights of women against the crimes committed.

To end the violence from it root causes, against women it will require steps which are a wide spread covering all areas and all-inclusive approach to demolish the violence. Violence against women starts from gender based discrimination and inequality. The wider context is required in order to solve
the situation faced by women. All the laws, Acts, policies, budget decisions
does not help the women and it may adversely affect and increase the
vulnerability of women to violence.

The approach to handle the situation should be overall and holistic, it should
prevent as well as protect the women. It should criminalise the violence
against women further make policies which identifies perpetrators of crime
and does justice as well.

In olden days, patriarchal system was followed and women were made to
restrict or remain at home and do the household chores and also take care of
their children. However, now with changing societal norms, attitude and
increase awareness, higher education, the roles of women has also
undergone paradigm shift and all these positive shifts have made women
gain her status in the modern society.

The judiciary traditionally was delivering justice through interpretation of laws
and its various articulated provision to their correct defined meaning which
legislations had in their mind. In modern times while interpreting the laws, it
gives wider interpretation to the provisions of various Acts and also the
fundamental rights enshrined under the Constitution, the judiciary is able to
empower the women by making various guidelines to be followed under a
particular circumstances.

Another role of judiciary is the dynamic role taken up by the judiciary which is
known as –Judicial Activism“ in its most popular meaning. In this type of a
particular role, the legislations has not defined or made the law relating to the
particular area however, the judiciary makes law for dealing with specific
offence by using its activist power. Since with the advent of time, the society
is becoming dynamic and therefore, we can no longer do with the same old
practices and we need changing and powerful judiciary as well.
Worldwide 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 seen 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.