

# Universal Conception of Human Rights: A Special Emphasis on Gender Based Violation of Human Rights in India

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## ABSTRACT

A person may encounter identity and gender-based prejudice wherever they travel. Despite specific legislation, Indian women face similar challenges. Despite a long history, this is the case. Males, lesbians, gays, transwomen, transmen, and queer people are also prejudiced. The long legislation identifies only men as sexually harassing women, which discriminates and differentiates. This law also doesn't protect lesbian, gay, or transgender people from discrimination. This shows how little protection these groups receive when their rights are violated. Because gender equality affects everyone in the community and helps shape a just community's foundation, the problem of social inequality covers an infinite and all-encompassing canvas. The law can protect people, but it's rarely used against innocent people. When protected class members abuse their security to satisfy unfair demands or egos, abuse and law enforcement must be considered together. Constitutional machinery must consider the possibility that criminals may become victims when enacting and enforcing laws. Guaranteeing equal protection for everyone will prevent law abuse against the defenseless. This article examines India's human rights contributions, current problems, and long-term goals as the world's largest democracy. This article discusses how gender-neutral laws aren't as good as existing laws and how important they are in India's changing culture.

**KEY WORDS-:** *Social Inequality, Sexually Harassing, Gender-Based Prejudice, Constitutional Machinery*

## INTERNATIONAL CONCEPTION OF HUMAN RIGHTS

International law has long recognised "due diligence." Its roots are in the doctrine and arbitral practise of diplomatic protection, but it has since spread to corporate law, environmental law, and human rights, where it has played a pivotal role in holding states and other duty bearers accountable for gender-based violence against women. Gender analysis reveals dominant-subordinate relationships. 10 Gender refers to socially manufactured distinctions between people that are assigned throughout their lives, are taught rather than innate, vary for any given society over time, and vary significantly within and across cultural contexts. Gender has historically led to a hierarchical distribution of power and rights that favours men and disfavours women, trans, and intersex people. In all communities, gender affects access to resources and privileges. Frequent topics include gender and due diligence. Next, I'll discuss my research method and the most contentious points in each area.

Before discussing this, define "human rights" and "universality." Human rights, justice, the good, and democracy overlap conceptually. The Universal Declaration of Human Rights establishes rights. From a political and legal perspective, the rights articulated in the Universal Declaration have become universal since they have been adopted by practically all nations, integrated into domestic law, and translated into duties under international law. However, the only way to ensure that rights are protected is for stable political societies to flourish and constitutionalism to be widely adopted. The majority of countries also agree with the Universal Declaration's basic human rights and demands. These reflect widespread moral intuitions in the modern world.

Yet strong resistance to free speech, racial and religious tolerance, and women's rights persists. It's true that there are challenges to the idea of universal human rights. We live in a world where genocide, the end of civil liberties, monetary constraints, and the suppression of rights are all too real possibilities.<sup>1</sup>

Even if it's true that in certain cultures people don't have basic rights like freedom of speech and assembly, this has never been proven. Human rights are promoted in all societies due to universal values shared by all peoples. In light of this, it is important to note that differences in norms may not always constitute infringement of human rights. Cultural, religious, and political biases continue to stand as serious obstacles to the advancement of human rights. Nations must reevaluate cultural relativism and embrace cultural legitimization as a means of protecting human rights in order to solve some of these difficulties.

Since the publication of the Universal Declaration of Human Rights in 1948, a number of state constitutions as well as publications of the United Nations and regional accords have defined human rights. This proves that human rights have finally become a standard that is recognised all throughout the world. In spite of this, the international community does not completely enforce the standards of the Declaration, and violations of human rights can occur in any part of the globe. The prevalence of hypocrisy has risen all across the world, in spite of the fact that power dynamics continue to be the most important factor in international politics.

As a direct consequence of this, the idea of human rights is debated extensively but seldom fully understood.<sup>2</sup> In principle, political forces should not have any bearing on human rights; nevertheless, in practise, this is not always the case. No matter where you are or when you read this, the goal of human rights is to ensure that every person is treated with the respect and dignity that they deserve at all times and in all settings. Despite this, there is still a significant amount of room for discussion over the concept of human rights. As a consequence of this, there is a substantial amount of disagreement over the most effective approach to provide rational proof that everyone possesses rights only on account of their humanity.

## THE GLOBAL VIEW OF GENDER EQUALITY AND NON DISCRIMINATION

All international human rights treaties involve identifying and eliminating sex and gender discrimination to provide equitable access to human rights. UN treaty bodies have employed interpretative general remarks to better understand gendered inequities and how to detect and solve them. In General Comment no. 20 (2009), CESCR claimed gender preconceptions, biases, and projected roles inhibit ESCR. HRC's interpretation of Articles 2 and 3 of the Covenant is that they entail the eradication of sex discrimination in the public and private sectors.

The UN Committee on the *Elimination of All Forms of Discrimination Against Women* has underlined states' obligations to end discrimination against women and girls (CEDAW Committee). According to the Committee on the *Elimination of Discrimination Against Women*,

gender-based violence is illegal since it violates women's human rights. Governments or private individuals can commit this atrocity. International human rights legislation prohibits direct and indirect discrimination, necessitating nondiscrimination safeguards.

CEDAW and other international human rights treaties seek substantive or "real" equality, which may need interim measures like quotas and affirmative action initiatives. Non-state actors are increasingly recognised as having direct human rights obligations under international law, blurring the border between public and private actors. True, even if governments haven't always kept their promises. According to the UDHR, "every organ of society" must develop and safeguard human rights.<sup>3</sup>

The Committee on the Rights of the Child, the Committee on the Elimination of Discrimination Against Women, and the Committee on the Elimination of Racial Disparities have stressed the importance of businesses exercising due diligence in observing international human rights legislation, especially when they make promises not to violate such legislation.

## THE GOVERNMENT OF INDIA PRIORITIES AND SUPPORT BY WORLD BANK SUPPORT

The World Bank aids the Government of India and individual Indian state governments in a variety of ways, including investment loans and credits in various sectors (collectively "projects") as well as analytical and advisory services (AAA). Gender mainstreaming in reproductive and child health and secondary and tertiary education projects; addressing gender-specific needs and opportunities for girls and women in water supply and sanitation projects; and the livelihoods programmes listed below all place a major emphasis on women. Gender mainstreaming, concentrating on women in general, and adapting programmes to their specific needs are all examples of how these resources support gender parity. In recent years, gender dynamics have been studied using a "women- focused" approach.

As part of the Eleventh Five-Year Plan, the Government of India (GOI) set the ambitious objective of developing an "inclusive and integrated policy and strategy for the economic, social, and political empowerment of women" (XI FYP). The key focus areas were women in difficult situations, adolescents, nutrition, health, microcredit, agriculture, local government, institutional concerns, legal obstacles, gender-disaggregated data, and gender budgeting. The report of the XI FYP working group on women's empowerment made numerous recommendations to increase women's labour participation (for example, by improving transportation, energy, ICTs, land rights, policies governing home-based work, self-help groups, and wage employment schemes), address gender-based violence, crime, and discrimination; strengthen laws, workplace rights, and access to legal services; and alleviate the difficulties faced by vulnerable women. The Indian government has formed a "Working Group on Women's Agency and Empowerment for the Twelfth Five-Year Plan (2012–17)". Specialized working groups have been created in the legal framework, skill development, women's participation in local community government, gender mainstreaming in institutions, and accountability mechanisms. 4

## MEANING OF GENDER-BASED VIOLENCE AND DIFFERENT KINDS OF VIOLENCE

There are many different sorts of violence against women: domestic and intimate partner violence, trafficking, sexual and emotional abuse, cyber abuse, child abuse, caste-based abuse, and physical assaults are just a few. According to the United Nations, one-third of women will experience sexual or physical abuse at some point in their lives.

Gender-based violence occurs when a person or a group of individuals are harmed due to their gender. Abuse can be physical, sexual, or psychological, among other types. Its roots are in archaic ideas about gender roles and hierarchies. Gender-based violence is a serious violation of human rights since it puts people's lives, health, safety, and social and political stability in danger. Gender- based violence disproportionately affects women and those who identify as non-normative.

### The Violence at Institutions and Workplace

Gender-based violence, such as sexual harassment and assault in the workplace, disproportionately affects women and members of the LGBTQIA+ community across the world. Sadly, gender-based violence is also prevalent on college campuses. Coercive and oppressive behaviour by university academics in authoritative positions, such as bullying, harassment, sexual assault, stalking, and

others, is included. Forcing women to work in a hostile, fearful atmosphere where they are subjected to insulting comments, unwanted physical contact, and a variety of forced sexual behaviours is one kind of gender-based violence in the workplace. Neither the government nor the administration is usually held responsible for the improper or lackadaisical implementation of the Sexual Harassment of Women in the Workplace (Prevention, Prohibition, and Redressal) Act (POSH).

About a third of the people who said they had been victims of workplace violence or harassment claimed they

had been subjected to more than one form, and 6.3% of those people said they had been victims of all three types of workplace harassment (physical, psychological, and sexual) at some point during their employment.

Women were more likely to report sexual harassment and abuse at work than males were (8.2% vs. 5%), while men were more likely to report physical abuse and harassment on the job (8.5% vs. 6.3%).

According to the results of the study, people who had experienced violence or harassment at work said it had happened to them more than once, and for most of them, the most recent time was within the last five years.

### ***Bhanwari Devi (Vishaka & Ors. V/S Rajasthan:6***

The case is related to Gang-raped Rajasthani social worker Bhanwari Devi. She advocated for female foeticide, infanticide, dowry, and child marriage abolition, hygiene, family planning, and girl education. Her duties included halting a nine-month-old Ramkaran Gujjar girl's wedding. Divorce embarrassed her. Her spouse saw Ramkaran Gujjar and five friends gang-rape her. Bhanwari Devi reported perpetrators. Local officials, physicians, and police disregarded her condition, thus the judge acquitted her. Vishaka's women's groups and NGOs filed a Supreme Court PIL over this injustice. They demanded Bhanwari Devi justice and workplace sexual harassment laws.

### **Guidance given by the APEX Court:**

Working women face hazards. The court urged corporations to safeguard workers and third parties. The court says this breaches "Gender Equality" and "Right to Life and Liberty." violates Constitutional Articles 14, 15, and 21.

### **Legislate workplace sexual harassmen:**

- Public-sector behaviour and disciplinary procedures shall ban and penalise sexual harassment.
- Private employers are required by the Industrial Employment (Standing Rules) Act of 1946 to include these limits in their rules.
- Avoid work, leisure, health, and hygiene sexism.
- Criminal Proceedings: Employers must sue for IPC or other law violations. Employers should aid complainants. Protect sexual harassment victims. Move sexual harassment victims and abusers.
- Discipline: The organisation will respond to service violations.
- Complaint Process: If such behaviour breaches laws or service standards, the employer should create a complaint mechanism. Fixes should follow.
- Complaints Committee: Point (6) provides a Complaints Committee, a specific therapist, or other confidential help.
- Half-female Complaints Committee. An NGO or sexual harassment specialist on the Complaints Committee would reduce management prejudice.
- The Complaints Committee reports annually to the government department handling complaints and actions. Employers, authorities, and the Complaints Committee will report compliance with the aforementioned requirements to the government.
- Workers' Initiative: Address sexual harassment in employer-employee meetings and other situations.
- Awareness: Displaying standards promotes female employee rights.
- Employers and authorities support third-party sexual harassment victims.

- Central/State governments should require private sector employer compliance.

### **The Gender-Based Violence in Public Places Faced by the Individual:-**

For many women, this is a daily reality that can range from strange comments and actions to murder, sexual assault, and stalking. It's commonplace on the streets, in public transportation hubs, and anywhere else people congregate. As a result, women have diminished confidence in their own safety and mobility. Because of this, it's harder for women to pursue their own interests and move freely, both mentally and physically. Sadly, sexual assault, sexual harassment, and other forms of sexual violence against women and girls are pervasive worldwide problems.<sup>7</sup>

### **A Gender-Based Violence in the Ambit of Cyber Space and Technology**

The link that exists between our lives both online and off is more robust than it has ever been in this age of digital technology. As a direct consequence of this, gender-based violence in virtual environments can take a variety of forms. With the rise of digital tools like social networking and GPS, it's getting easier and easier to track and harass women and other gender minorities. As a result of advancements in digital technology and artificial intelligence, it is now much simpler to generate sexually inappropriate photos without the necessary authorization. Also, discrimination, hate speech, and cyber bullying are all forms of gender-based violence that can happen online.

This issue is prevalent in both urban and rural areas. In a report on a consultation on women and information technology, it was said that narratives of fear around new technologies should be avoided so as not to restrict women's digital independence. Human rights violations against women are nothing new. Indian history is always in flux. Numerous feminists fought for women's empowerment and against their maltreatment, yet their precarious existence and exploitation endure. Thanks to digital technology, communication has become a "global village" with equal rights for men and women. The Internet, iPads, and mobile technologies have transformed women's lifestyles. While these technologies provided several benefits, they also contributed to "cybercrime" and other problems.

The majority of cybercrimes target women since they are easy targets. Due to a lack of proof and worries about defamation, identifying criminals is difficult. Women are more likely to encounter email and online sex abuse, harassment, and defamation as a result of cyber violence. Emails and phone calls from an unknown number deliver sexual and disturbing messages to women, which can force them to undress in public and even cause some of them to attempt suicide. In India, cyber violence against women has an effect on their social lives. It discusses preventing cybercrime against women.

It asserts that gaining an understanding of cybercrime against women is the most effective strategy to raise awareness of the issue. The government must reform the legal system in order to reduce cybercrimes, which are simpler to commit than traditional crimes due to lenient punishments and detection rates. Second, society must cease considering women as commodities. People must realise that discrimination and gender inequality are the root causes of violence against women. Thirdly, women must recognise the significance of speaking up for their rights and against cybercrime. Fourthly, cybercrime must be the subject of more research. Research financed by the government is essential. Fifth, the police must be educated on cybercrime. Seminars and courses on cyberspace education are required for this. Women should take part. People must alter their perceptions of women and cultivate a sense of community because cleanliness begins at home.

Work more closely with the administrators of the reporting and data collection systems. There is a lot of confusion about how much and who is harmed by technology-facilitated GBV in Asian nations because of a variety of factors, including fear of reporting and inadequate reporting methods. Because of incomplete reporting, we don't fully understand the identities or motivations of those who engage in technology-enabled GBV.

In order to give a thorough, country-specific understanding of perpetrator and victim characteristics, the most common types of technology-facilitated GBV, and websites or social media where it frequently occurs,

improved anonymous and accessible reporting methods should be integrated with research. Consider the ways social media either encourages or discourages technology-enabled GBV. Global social media platforms, including Facebook, Twitter, WhatsApp, TikTok, YouTube, and Instagram, are rife with technology-enabled GBV. Despite this, certain systems have had trouble adjusting to this change. To fully understand how social media encourages technology-facilitated GBV and what digital firms can do to address and prevent it, more study is required.

You should become more knowledgeable about supportive, culturally appropriate solutions for survivors. The negative repercussions of GBV made possible by technology include emotional and psychological pain for the victims. It is important to extensively research survivor care services, legal ramifications, and cultural adjustments. Based on the particular form of violence being addressed, research like this may be utilised to develop more focused preventive and intervention approaches.

Examine best practises for staff and organisations that are trauma-informed. Many companies have improved their online presence in reaction to the rise in internet usage and acceptance of remote work during COVID-19. Examples include requiring online profiles and images, recording meetings or webinars, and posting social media updates. A personal Internet presence is now seen as common practise in many businesses, and permission to post private information online is often taken for granted. Employees may be better prepared to recognise and stop similar instances in the future by studying studies on workers' encounters with technology-facilitated GBV and trauma-informed best practises for organisations employing online spaces.<sup>8</sup>

### **The Information Technology Act, 2000:**

**Section 66C:** Identity theft is a federal crime, so you might go to jail for it if the police catch you. This provision, if implemented, would address the issue of unauthorised people accessing computer systems. In India, anybody caught using someone else's electronic signature, password, or other form of unique identity may be subject to a fine of up to 100,000 Indian Rupees and/or a jail sentence of up to three years. The culprit might spend up to three years in prison if convicted. In the event of an infraction, the offender risks a possible three years in a state or federal penitentiary. Under this rule, a person may serve no more than three years in jail.

**Section 66E:** A violation of an individual's right to personal privacy is one of the offences that can result in a penalty under a particular section of the Information Technology Act. If a person's right to privacy is violated in such a way that it leads to the recording, publication, or transmission of an image of a private region of that person without the agreement of that person, then that person is subject to a fine and/or imprisonment for a period of time that can go as high as three years. The maximum amount of time that a person can be imprisoned for is three years. In the event that you are found guilty of such a violation, you might be sentenced to a maximum of three years in jail.

**Section 67:** The publication, transmission, or facilitation of indecent content is no longer permitted under this policy. For a first offence, violators face a possible sentence of up to three years in jail and a fine, and for a second offence, they face a possible sentence of up to five years in prison and the same punishment. Because the definition of what constitutes obscene content is the same as the one that can be found in IPC Section 292, the criteria that are used to determine whether or not something is obscene are also the same as those that can be found in that section. Obscene content can be defined as material that contains sexually explicit or suggestive material.

**Section 67A:** If you are found guilty of publishing, distributing, or causing the transmission of sexually explicit information for the first time, the maximum sentence is five years in prison and a fine; if you are found guilty of the same offence for the second time, the maximum sentence is seven years in prison and a fine.

**Section 67B:** creates criminal penalties for the publication and transmission of sexually explicit information that features children.

## THE PRESENCE OF GENDER-BASED VIOLENCE IN INDIA

Gender is a fundamental aspect of human existence. Our capacity to make decisions, our access to specific opportunities, and the weight we bear in particular jobs can all be impacted by our gender. The restrictions placed on these alternatives and aspirations by the laws that govern us have a significant influence on how we seek our gender identity. People from a wide range of civilizations are battling today for fundamental rights like gender equality and the right to vote. However, the idea of gender itself needs to be abandoned in order to truly understand the relevance of gender in terms of rights and legislation. According to the United Nations, it is a term that has been used socially and culturally to distinguish between boys and girls and between men and women based on a variety of criteria. This relates to a person's feminine and masculine aspects. Establishing a person's gender requires knowledge of the distinctions between sex and gender. Gender is a social construct, in contrast to sex, which is determined by the interaction of a person's genes and hormones. In her book *Gender and Temperament in Three Primitive Societies*, Margaret

Mead made the ground-breaking suggestion that sexes and genders were distinct in prehistoric societies. The concept of gender equality goes well beyond the dichotomy of male and female. If diverse groups' social and cultural standards aren't taken into account while drafting laws, gender equality might turn into discrimination. A useless and ineffective system could result from this.

To truly guarantee civil freedoms, there must be gender equality. Sections 375 and 376 of the Indian Penal Code, 1860, say that equality of treatment for men and women is required under human rights. The writer goes into detail about a man's rape conviction. The Domestic Violence Act of 2005 is only one example of the numerous gender-specific laws that have been passed exclusively targeting women and forbid non-consensual relationships and sexual misconduct, both of which are regularly committed by men. It's becoming increasingly obvious as more people hear about sexual assault and other violent crimes that the motivation behind them isn't necessarily sexual enjoyment; sometimes, individuals merely want to assert their dominance.

Every member of society must first grasp how various social movements affect the greater community and how those impacts will be perceived if they are to bring about positive change. To have an effect on a society, one must have a thorough knowledge of its historical development. Indian women have acknowledged the significance of changing the rape laws. Women have always struggled with the constantly changing definition of rape.<sup>9</sup>

## JURISPRUDENTIAL ASPECT WHY LAW SHOULD BE GENDER- NEUTRAL

Many people associate penile-vaginal intercourse with rape, even though the legal definition of rape encompasses a wide range of behaviors. People assume only men should retain authority since they're biologically dominant. Second, men can't be sexually assaulted because they never say "no." This is meant to show that exercising is just one way to stimulate a man's body. Studies show that dread, shame, and worry can trigger arousal. Male exploitation is more common. Many industrialised nations have gender-neutral and impartial laws, including most U.S. and Canadian states, Finland, Australia, and Ireland. Despite the Indian Constitution's Preamble calling for fairness and social justice, many of its provisions and practises contradict these values. 2013's Sexual Harassment of Women in the Workplace (Prevention, Prohibition, and Redress) Act protects women against workplace harassment. The article discusses the act's defence of women's equality and dignity.

This legislation has been criticised because it emphasises that no group, including males, should ever be the target of violence. However, it is necessary due to the prevalence of sexual assault in the workplace and because India's fundamental rights to equality and dignity do not primarily pertain to one gender.

The Indian Penal Code defines rape as sexual assault against a woman without her permission. This section assumes rape is only performed by men and only affects women. Laws and judicial judgements enhance women's equality. Iceland passed gender-neutral pay laws in 2018. Businesses with or more employees must certify fair pay compliance. This campaign aims to minimise the gender wage gap, promoting gender equality

and equity. Everyone has the right to equality, according to Article 14.**10**

This article treats both sexes equally. Article 15 prohibits sex, religious, or other bias-based discrimination. Men need legal protection just as much as women, even if male attacks are less common. Equal legal protection for male and female sexual assault victims does not violate women's rights. Giving males a safe venue to talk about their experiences and report instances can help eliminate toxic masculinity and violence against women.

## A NEED FOR GENDER NEUTRAL LAWS IN INDIA

A woman or her family can sue a police officer if the officer sexually assaults the woman. What these women have done in the past is anyone's guess. Do all the slanderous claims hold water? Incorrectly, the media continues to omit reports about those who claim they were falsely accused. Even though sexual predators face harsh punishments, some men still abuse women to get back at other men, gain financial power over others, or make others feel bad. In our culture, a man's reputation is irreparably damaged if he is incarcerated. Particularly if the accusation is of a sexual nature, it will damage his professional reputation and have far-reaching personal consequences.

Despite their outspokenness against sexual assault, many feminists and advocates for women's rights are grounded in reality. Due to technological advancements, it is now much simpler to disseminate details and images of men who have been accused of sexual offences without immediately passing judgement on their character. The denial of a man's tale is an affront.**11**

## LANDMARK JUDGEMENTS

***The Mathura rape case* 12** the famous court ruling that revolutionised criminal law It's a landmark rape and criminal law case. In this instance, the Supreme Court ruled that the woman who was sexually assaulted by police officers gave her permission because she had no apparent wounds. Four legal professionals addressed an open letter to the Chief Justice of India concerning this matter. This case launched a pattern of holding the wrongdoer responsible, not the victim. Protesters urged that rape victims' names not be made public and hearings be handled privately.

***The State of Jammu and Kashmir and Ors. v. Susheela Sawhney and Ors.* 13:** The court decided in a historic ruling on October 7, 2002, that a daughter of a permanent resident of Jammu and Kashmir will not lose her identity as a permanent resident even if she marries someone who is not from the state. This decision was made and told to everyone.

***Charu Khurana V/s UOI* 14:** Because the Cine Costume Make-up Artists and Hair Dressers Association's statutes stated that only males may be make-up artists, the petitioner, a woman, was denied membership as a make-up artist in the organization. The petitioner could not be denied membership since it was a clear violation of her right to equality and a denial of "her capacity to make a living, which hurts her individual dignity," according to the court. As a result, the court ruled that the petitioner could not be denied membership.

***The Secretary, Ministry of Defence v. Babita Puniya & Ors.* 15:** Women on short-term Army commissions want the same opportunities for permanent commissions as their male counterparts. Because of the Supreme Court, women can now hold permanent army commissions.

***Kush Kalra vs Union Of India & Anr.* 16:** Due to the fact that they are not enlisted in the Indian Territorial Army, women experience institutional discrimination at UOI. Women now have access to TA, according to the Delhi High Court.

***Budhadev Karmaskar v. State of West Bengal* 17:** According to Article 21 of the Constitution, sex workers and prostitutes have the same right as everyone else to live a life that is considered respectable. The Court has ordered the government to devise programmes that would provide sex workers and women who have been the victims of sexual assault with vocational and technical training in all of India's major cities.

***Upendra Baxi v. State of Uttar Pradesh***<sup>18</sup>: The Supreme Court emphasised the importance of criminals housed in protective homes established under SITA, 1956 (later updated and now known as ITPA) participating in appropriate rehabilitation programmes and receiving vocational training. This was done to prevent convicts from turning to prostitution as a source of subsistence. The government of Uttar Pradesh has been told to act right away to stop the prisoners from going back to the brothels.

***People's Union for Democratic Rights v. Union of India***<sup>19</sup>: Addressing the issue of the minimum wage head-on, the Supreme Court stated that Article 23 should include the right to a minimum wage (the "right against compelled labour").

***Kajal Mukesh Singh v. State of Maharashtra***<sup>20</sup>: While hearing a case about the detention of three female sex workers, the Bombay High Court made the observation that there is no provision in Indian law that makes prostitution in and of itself a criminal offence or that punishes a person because they engaged in prostitution. This was said while the court was considering a case about the detention of the three women.

***Bandhua Mukti Morcha vs Union of India & Others***<sup>21</sup> : It was determined in the first instance that merely locating and freeing those who were held in servitude as bonded labourers is not sufficient; those individuals also need to be rehabilitated. This was the conclusion reached after it was determined that locating and freeing those who were held in servitude as bonded labourers. On the other hand, the second instance upheld the right to human dignity as outlined in Article 21 and denounced exploitation in the form of bonded labour.

***Gaurav Jain v. Union of India***<sup>22</sup>: An Outline of Some Proposed Amendments to Existing Legislation Concerning the Education of Children Born to Clients of the Prostitution Industry This declaration included extremely detailed instructions on how to aid prostitutes and the children that they had cared for in the past.

***The Secretary, Ministry of Defence v. Babita Puniya***<sup>23</sup>: Female army officers now have the same rights as their male counterparts to apply for a permanent commission as a result of a recent Supreme Court ruling.

***In Vishaljeet v. Union of India***<sup>24</sup>: A petition to stop the use of forced prostitution. The Devdasi and Jogin customs are also observed. Regarding the rehabilitation of prostitutes and the children of prostitutes, the Supreme Court issued appropriate guidelines.

***In Suchita Srivastava v. Chandigarh Administration***<sup>25</sup>: The Supreme Court of the United States acknowledged as a fundamental right the reproductive autonomy of women, including the reproductive rights of women who are mentally challenged. [Citation needed] [Citation needed]

***In Laxmi Mandal v. Deen Dayal Harinagar Hospital*** <sup>26</sup>: The right to health was found to include the right to access public health facilities and to receive treatment and care at a minimum acceptable level by the Delhi High Court, which affirmed this aspect of the right to health. The right to health was found to include the right to access public health facilities by the Delhi High Court.

***In Sandesh Bansal v. Union of India***<sup>27</sup> According to a decision that was handed down by the High Court of Madhya Pradesh, it is the main duty of the government to ensure the survival of all pregnant women and women who are giving birth.

***In Devika Biswas v. Union of India***<sup>28</sup>: The Supreme Court came to the decision that a person has the right to choose whether or not to undergo sterilisation if they have the freedom to exercise their reproductive rights. This right includes the ability to choose whether or not to have children.

## CONCLUSION

The male-centric culture of Indian society and the potential repercussions for exploited women are the most obvious arguments against complete impartiality. Surprisingly, the reasons given by individuals who favour complete sexual equality focus on communication rights and the stigma attached to male assault. The expert came to the conclusion that while sexual assault against men and trans people must be addressed, it should not be used as a justification to downplay the significance of female victims of trafficking. To create just laws and

a just society, we must labour. It cannot be denied that trans men and males have been raped in India. However, it would be ludicrous to transform the assault laws into sexually neutral norms given the status and treatment of women in India today. We must follow a steady course of action. The Verma Committee recommended that assault laws be changed to protect the victim's sexual orientation, regardless of the offender's orientation.

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