
GENDER JUSTICE AND WOMEN'S EMPOWERMENT: ADDRESSING OFFENCES AGAINST WOMEN THROUGH THE LENS OF THE SUPREME COURT

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ABSTRACT

The Indian constitution and society are moral and progressive because they promote women's rights and gender equality. Because of crimes against women such as sexual assault, domestic violence, sexual harassment at work, and honour crimes, the Supreme Court of India and other courts have had to alter their interpretation and enforcement of gender-sensitive legislation. This article goes into great length on how the Supreme Court handles these charges and how it has transitioned from a traditional legalistic approach to one based on basic principles such as dignity, independence, and equality. The Court has strengthened Articles 14, 15, 19, and 21 by adopting decisions that protect women's rights to live in safety, freedom, and dignity. The court has reprimanded individuals who mistreat women and urged society to change the standards so that males are not required to follow them. This article contends that the Supreme Court's rules are a strong method for advancing gender equity and giving women greater power, even if there are still hurdles to putting them into action and many people are unwilling to do so. When it comes to justice, the courts are still concerned with gender. Their judgments show that they still want to change the Constitution to make it more egalitarian.

Keywords: Gender Justice, Gender Identity, Gender Equality, Gender Discrimination, and Women Empowerment.

Introduction

A world deeply scarred by the horrors of the Second World War sought to bring the community of nations together under a unified framework, leading to the creation of the United Nations Organization, with the primary objective of protecting succeeding generations from the recurrence of armed conflict, which had twice in the same century caused unparalleled suffering to mankind. This initiative aimed to reaffirm faith in fundamental human rights, the dignity and worth of the individual, and the equal rights of all individuals and nations, regardless of size, thereby materializing the aspirations of philosophers and poets for a cessation of conflict and the resolution of disputes in a global assembly.¹

Human rights originate from the intrinsic dignity and value of the individual. The Universal Declaration of Human Rights reaffirms human rights and fundamental freedoms. Democracy, progress, and the respect for human rights and fundamental freedoms are interrelated and mutually reinforcing. Women's rights, including those of the female child, are therefore intrinsic, fundamental, and inseparable components of universal human rights. The comprehensive development of personality and fundamental freedoms, together with the equal participation of women in political, social, economic, and cultural spheres, are essential for national development, as well as social and familial stability and advancement in cultural, social, and economic domains. All types of gender-based discrimination violate basic freedoms and human rights.²

The court, as the interpreter of law, is tasked with addressing omissions, rectifying ambiguities, and aligning outcomes with justice via a process of free decision-making, or *libre recherche scientifique*, meaning 'free scientific study.' This methodology is especially essential when addressing matters of gender justice.³

Gender Justice

Gender justice holds a position of substantial importance within the framework of Indian criminal jurisprudence.⁴ The maintenance of gender justice is a developed realization of

¹ D.P. Madon, J. in *Central Inland Water Transport Corpn. v. Brojo Nath Ganguly*, (1986) 3 SCC 156, para 29

² K. Ramaswamy, J. in *C. Masilamani Mudaliar v. Idol of Sri Swaminathaswami Swaminathaswami Thirukoil*, (1996) 8 SCC 525, para 18

³ Dr A.K. Sikri, J. in *Badshah v. Urmila Badshah Godse*, (2014) 1 SCC 188, para 18

⁴ V.R. Krishna Iyer, J. in *Som Nath v. State of Haryana*, (1980) 3 SCC 301, para 1

inherent human rights. Equality is unattainable without equal opportunities; if a woman is prohibited from entering a job for which she is competent, the notion of equality becomes almost inconceivable.⁵

Offences committed against women do not merely pertain to gender-specific concerns but amount to violations of fundamental human rights. The rising incidence of crimes against women is a significant issue for legislators, highlighting the urgent need to thoroughly investigate the underlying causes and address them via a stringent legal framework. Multiple legislations and various punitive requirements exist to penalize perpetrators of violence against women. It is crucial to guarantee that gender justice is not only theoretical.⁶ The prevailing Indian ethos appropriately considers the family and its stability as fundamental to the robustness of the social fabric. The hedonistic principle of 'indulge in every pleasure and shift allegiances frequently,' along with the philosophy of infidelity as a means of self-actualization, poses significant risks unless addressed through a commitment to gender-justice and equitable service's condition.⁷

Gender identity constitutes an essential component of an individual's core self and personal autonomy. It is a basic component of life that pertains to an individual's essential identity as male, female, transgender, or transsexual.⁸

- **Gender Discrimination**

The issue regarding biological differences between sexes is associated with societal conditions to the extent that the oppressive cultural norms of the era accentuate the genuine differences. Widely accepted legislative enactments may reflect a composite understanding of both biological factors and socially constructed norms. These laws certainly warrant more rigorous judicial review. Reviewing whether the majoritarian impulses, which are anchored in moralistic tradition, do not impede individual autonomy is the responsibility of the court. This is the context of increased judicial scrutiny of legislation of this nature worldwide.⁹

⁵ Dipak Misra, J. in *Charu Khurana v. Union of India*, (2015) 1 SCC 192, para 41

⁶ R. Banumathi, J. in *Mukesh v. State (NCT of Delhi)*, (2017) 6 SCC 1, para 520

⁷ V.R. Krishna Iyer, J. in *Ramesh Chander Kaushal v. Veena Kaushal*, (1978) 4 SCC 70, para 3

⁸ K.S. Panicker Radhakrishnan, J. in *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438, para 21

⁹ S.B. Sinha, J. in *Anuj Garg v. Hotel Assn. of India*, (2008) 3 SCC 1, para 41

Despite the formal elimination of institutionalized discrimination, the subconscious mindset and attitude have not been eradicated." Discrimination and prejudice against women continue in many forms. The era in which women were regarded as dependent, feeble, and subordinate to men, which should have been a thing of the past, has not been the case.¹⁰

- **Gender Equality**

Gender equality includes protection against sexual harassment and the ability to work with dignity, both of which are internationally acknowledged fundamental human rights. This fundamental right has garnered worldwide recognition as a shared minimum standard.¹¹ A female child is entitled to the same rights as a male child. The constitutional identity of a female child cannot be subordinated to any social or conceptual framework that has emerged or is conceived. It permits no possibility for compromise. It only allows actions that are legally mandated. It should be explicitly noted that when rights are granted by the Constitution, they are acknowledged in consideration of their inherent nature and universality. No individual gives any entitlement to a female child or a woman.¹²

Economic development, nonetheless, is insufficient to achieve complete equality between men and women. State intervention is indispensable for achieving the objective of gender equality. This government intervention would be unequivocally warranted if the empowerment of women catalyzes more growth, initiating a virtuous cycle. The empowerment of women is seen as providing them with the tools for economic independence, self-sufficiency, and good self-esteem, enabling them to confront various situations and engage in developmental activities.¹³

The contemporary Indian legal system does not distinguish between sons and daughters; both possess equal rights and responsibilities. For millennia, Indian society has observed that daughters often assume the responsibility of caregiving for their parents, often more so than sons. Adult females prioritize their ties with their parents more significantly, and when these relationships deteriorate, the impact is more detrimental to the adult daughters than to the adult sons. The contemporary age, characterized by the emergence of education, no

¹⁰ Dipak Misra, J. in *Charu Khurana v. Union of India*, (2015) SCC 192, para 1

¹¹ J.S. Verma, C.J. in *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241, para 10

¹² Dipak Misra and Shiva Kirti Singh, JJ. in *Voluntary Health Association of Punjab v. Union of India*, (2016) 10 SCC 265, para 40

¹³ Dr A.K. Sikri, J. in *Richa Mishra v. State of Chhattisgarh*, (2016) 4 SCC 179, para 28

longer acknowledges the stereotype that parents want a boy for the purpose of receiving care and assistance in their later years. In a cultured and enlightened society, a daughter fulfills a complex and essential function within the family, particularly in relation to her parents. She is a caretaker and supporter, a compassionate presence and reliable advocate, an embodiment of society's esteemed ideals, in whom a parent invests unwavering confidence and trust.¹⁴ The Court does not intend to generalize or assert dogmatically that men and women are equal in all professions and circumstances, nor does it dismiss the necessity of pragmatism where specific job requirements, gender sensitivities, societal peculiarities, or the limitations of either sex may necessitate selectivity. Except when a difference is evident, the rule of equality must prevail.¹⁵

Role and status of Women in Society

The emergence of collective consciousness is an imperative requirement of the present time. A change of heart and attitude is required. If man regains harmony with others and replaces hatred, greed, selfishness, and anger with mutual love, trust, and understanding, and if women receive education and become economically independent, the possibility of this pernicious social evil dying a natural death may no longer be a pipe dream. To combat the problem, a larger social movement teaching women about their rights is required, particularly in rural regions where women are still mostly ignorant and unaware of their rights, making them an easy target for exploitation. Under the circumstances, the role of courts becomes more important, and it is expected that the courts will deal with such cases more realistically, not allowing criminals to escape on the basis of procedural technicalities or minor gaps in the evidence, as otherwise criminals will be encouraged and victims of crime will be completely discouraged by the crime going unpunished. Courts are required to be attentive in situations involving crimes against women.¹⁶ Unfortunately, India's respect for women is dwindling, and instances of molestation and rape are constantly increasing. An Indian woman is now subjected to a variety of indignities, including vulgar comments, eve teasing, molestation, and rape. Only by dealing sternly with individuals who breach society's standards can we promote and defend decency and morality in public life. Women embody a multitude of personalities. Their roles as mothers, daughters, sisters, and wives are not to be exploited for indecent purposes, nor are they to be used as props for center features in various magazines, periodicals, and newspapers.

¹⁴ H.L. Dattu, C.J. in *Shabnam v. State of U.P.*, (2015) 6 SCC 632, para 32

¹⁵ V.R. Krishna Iyer, J. in *C.B. Muthamma v. Union of India*, (1979) 4 SCC 260, para 7

¹⁶ Dr A.S. Anand, J. in *Kundula Bala Subrahmanyam v. State of A.P.*, (1993) 2 SCC 684, para 26

They must be granted the liberty, freedom, and, of course, independence necessary to fulfill the roles that have been bestowed upon them by nature. These rights will enable society to thrive, as they are the only ones with the abilities and potential to influence the fate and character of individuals in all regions of the world.¹⁷

The gratuitous services of women, which are performed with genuine love and affection for her husband and children and encompass the management of household affairs, cannot be compared to the services provided by others. A wife or mother does not operate according to the schedule. Unless she is employed and is obligated to attend the employer's work during specific hours, she is in the family's presence at all times, day and night. She is responsible for all household duties, such as cooking and laundering clothing, for her spouse and children. She educates young children and provides them with essential guidance for their future well-being. A housekeeper or maidservant may perform household chores; however, she can never serve as a substitute for a wife or mother who provides devoted service to her spouse and children.¹⁸ The dignity of a woman is an intrinsic component of her immortal and non-perishable self, and it is unthinkable for anyone to attempt to depict it in clay." It is impossible to reach a compromise or resolution, as it would be detrimental to her honor, which is of paramount importance. It is sacred. Sometimes, the perpetrator of the crime is consoled by the fact that he has consented to marry her, which is merely a clever way of applying pressure.

The Supreme Court emphasized that the courts should refrain from adopting a soft approach to the case, as any form of liberal approach must be classified as a spectacular error. Alternatively, it would be classified as a sanctuary of error.¹⁹ A just social order can only be established when inequalities are eliminated and all individuals receive their legal entitlements. To earn a livelihood, women, who account for nearly half of our society, must be regarded with respect and honour at their places of employment. They must be granted access to all the amenities to which they are entitled, regardless of the nature of their responsibilities, their occupation, or the location of their workplace.²⁰

¹⁷ S. Saghir Ahmad, J. in *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490, para 9

¹⁸ G.S. Singhvi, J. in *Arun Kumar Agrawal v. National Insurance Co. Ltd.*, (2010) 9 SCC 218, para 26

¹⁹ Dipak Misra, J. in *State of M.P. v. Madanlal*, (2015) 7 SCC 681, para 18

²⁰ S. Saghir Ahmad, J. in *MCD v. Female Workers (Muster Roll)*, (2000) 3 SCC 224, para 33

- **Women as Single Mother**

In modern society, when women are progressively opting to rear their children independently, we see no justification for forcing a reluctant and indifferent father on an otherwise functional family unit. A man who has chosen to abandon his obligations and responsibilities is not essential for the welfare of a child. The prevailing legal doctrine throughout several civil and common law jurisdictions worldwide, as well as under diverse legislation in India, is to confer guardianship and associated rights to the mother of a child born out of wedlock. Undoubtedly, the mother is more capable of nurturing her progeny, perfectly encapsulated in Hindi by the term 'mamta.' Moreover, acknowledging her motherhood would eliminate the need to ascertain paternity.²¹

- **Women as Sex Workers**

Sex workers are also human beings, and it is unlawful for anyone to assault or assassinate them. A person becomes a prostitute not because they appreciate it, but rather due to destitution. It is imperative that society demonstrate compassion for sex workers and refrain from disparaging them. Article 21 ensures their right to live with dignity. Sex workers are not deviant individuals; rather, they are hapless females who have been compelled to engage in this flesh trade as a result of severe destitution. Accordingly, society must refrain from stigmatizing sex workers and instead adopt an attitude of compassion towards them.²²

- **Duty of a Husband towards his wife**

A transplant is typically a component of every marriage. A female who is born and raised in her biological family is required to abandon her natural environment and enter a new family when she is married. When a tender plant is relocated from its place of origin to a new location, care is taken to make sure that the new soil is suitable and not significantly different from the soil in which it had previously grown. The process includes ensuring that the temperature doesn't vary significantly, that a watering facility is available, and that congenial conditions are provided. When a girl is relocated from her natural environment to an

²¹ Vikramajit Sen, J. in *ABC v. State (NCT of Delhi)*, (2015) 10 SCC 1, paras 18 and 19

²² Markandey Katju and Gyan Sudha Misra, JJ. in *Budhadev Karmaskar v. State of W.B.*, (2011) 11 SCC 538, paras 2 and 15.

extraterrestrial family, the level of care that is anticipated is likely to exceed that of a plant.²³

It is important to remember that conjugal rights in India, which refer to the right of either spouse to the society of the other spouse, are not merely a product of the statute. Such a privilege is inherent in the institution of marriage.²⁴ The husband is obligated to ensure that the wife does not become destitute or a beggar. It is not permissible to establish a situation in which she is constrained to accept her fate and consider life as "dust unto dust." That is entirely unacceptable. In effect, the duty to provide financial maintenance remains a solemn legal obligation, irrespective of the spouse's capacity to earn through manual labor. This obligation persists unless a court, based on legally valid grounds, expressly decrees that the wife is not entitled to maintenance from her spouse.²⁵

Crimes Against Women

In contemporary times, there has been a noticeable escalation in offences committed against women. These atrocities are an insult to the human dignity of our society. Imposing a drastically insufficient penalty, especially in violation of the legislature's mandate, is not only an injustice to the victim of the crime and society as a whole, but it also sometimes encourages a criminal. When awarding punishment, the courts have a responsibility to inflict suitable punishment in response to society's call for justice against such perpetrators. The public's abhorrence of the crime must be reflected in the severity of the sentence imposed by the court. When imposing appropriate punishment, courts must consider not only the rights of the offender but also the rights of the victim of crime and society as a whole.²⁶

The protection afforded to women by the Constitution of India and other laws is only meaningful if those responsible for administering justice are aware of the issues faced by women, as there has been a substantial rise in the incidence of offences directed against women.²⁷ Despite rigorous laws to address the worsening conditions of women throughout the nation, incidences of bride burning, cruelty, suicide, sexual harassment, rape, suicide by married women, and so on have escalated and continue to occur on a daily basis. A thorough revamp of the system, including deterrent penalties for violators, is required to successfully

²³ Ranganath Misra, J. in *State (Delhi Admn.) v. Laxman Kumar*, (1985) 4 SCC 476, para 56

²⁴ Sabyasachi Mukharji, J. in *Saroj Rani v. Sudarshan Kumar Chadha*, (1984) 4 SCC 90, para 14

²⁵ Dipak Misra, J. in *Bhuvan Mohan Singh v. Meena*, (2015) 6 SCC 353, para 2

²⁶ Dr A.S. Anand and K.S. Paripoornan, JJ. in *State of A.P. v. Bodem Sundara Rao*, (1995) 6 SCC 230, para 9

²⁷ P. Sathasivam, J. in *Ashabai v. State of Maharashtra*, (2013) 2 SCC 224, para 21

address the issue. Respect for a bride in her marital home honors the seriousness and sanctity of marriage, represents the sensitivity of a civilized society, and, finally, embodies her dreams in nuptial delight. However, the manner in which brides are sometimes occasionally treated in many homes by their husbands, in-laws, and relatives develops an emotional numbness in society.²⁸

The fundamental worry, both at the national and international levels, is the alarming growth in rape and other crimes against women worldwide. India is no exception to this. Although the legislative provisions call for severe penalties against such criminals, it is ultimately up to the courts to determine whether such an occurrence happened or not. The courts should exercise greater caution in interpreting evidence, and they should refrain from releasing the accused on insignificant grounds.²⁹ Indian society has become a diseased one and it is shown by the enormous number of cases pending at the Supreme Court (as well as in almost all other courts in the country) in which young women are murdered by their husbands or in-laws by pouring kerosene on them and setting them on fire, or by hanging/strangling them. What is the degree of civilization in a society when a substantial percentage of women are treated in such heinous and brutal ways? This instance illustrates what our culture has become. Crimes against women are not regular crimes committed in a fit of rage or for property. These are social crimes. They destabilize the whole societal structure. As a result, they call for severe punishment. Unfortunately, in our culture, individuals often demand dowry out of a desire for money, and after extracting as much money as they can, they kill their wives and marry another, only to murder her again for the same reason. This is due to our society's absolute commercialization and the need for money, which drives some to kill their wives. The moment has arrived to take a firm stance against this scourge in our society.³⁰ Although crime never dies, and there should be no pity for the criminal, human considerations play a significant role and influence decision-making, whether intentionally or unintentionally.³¹

- **Dowry Death**

Dowry death is a social evil that has been committed against women in our nation for

²⁸ Dipak Misra, J. in *Gurnaub Singh v. State of Punjab*, (2013) 7 SCC 108, para 2

²⁹ P. Sathasivam, J. in *State of U.P. v. Munesh*, (2012) 9 SCC 742, para 25

³⁰ Markandey Katju and Gyan Sudha Misra, JJ. in *Satya Narayan Tiwari v. State of U.P.*, (2010) 13 SCC 689, paras 3 and 9

³¹ R.M. Sahai, J. in *State of Punjab v. Ajaib Singh*, (1995) 2 SCC 486, para 6

ages. Section 304-B of the IPC, 1860 is a harsh provision designed to tackle this societal scourge of frightening proportions. As a result, this clause must be interpreted fairly, pragmatically, and by common sense to fulfill the goal set by Parliament. A strict interpretation based only on the fact that it is a criminal code would be inappropriate.³² The dowry system is a 'shame' and a 'stain' on our society. It is inexplicable that such tragic and condemnable dowry deaths occur so regularly in our culture. Every possible step must be undertaken to prevent and mitigate the escalating issue of dowry-related deaths.³³ Wife burning is a regrettable trend and a burgeoning threat to society that does not justify any pity. However, such behavior does not imply a disregard for the fundamental principles of the law.³⁴

Dowry killing is a crime in which the elimination of the daughter-in-law becomes an urgent requirement if she or her parents are no longer able to satisfy the greed and gluttony of her husband and their family members.³⁵ It is even more unsettling and sad because in the majority of such reported incidents, the woman plays a key part in the offense against the younger woman. In many situations, it has been observed that the husband, even after the wedding, continues to be 'Mamma's baby,' and the maternal nerve does not seem to have been severed at that moment.³⁶

- **Female Foeticide**

Female foeticide constitutes the gravest form of dehumanization inflicted upon the human species. It has its origins in social thought, which is founded on certain erroneous beliefs, egocentric traditions, twisted perceptions of societal standards, and a fixation with ideas that are completely personal and do not consider the common good. No awareness campaign will ever be complete until there is a genuine emphasis on women's abilities and the importance of women's empowerment. It stands prohibited by law, denounced by scriptures, repudiated by philosophy, censured by ethics, condemned by morality, and rejected by social science.³⁷

³² Rohinton Fali Nariman, J. in *Rajinder Singh v. State of Punjab*, (2015) 6 SCC 477, paras 1, 13 and 20

³³ Dr Dalveer Bhandari, J. in *Sanjay Kumar Jain v. State of Delhi*, (2011). 11 SCC 733, para 44

³⁴ U.C. Banerjee, J. in *Arvind Singh v. State of Bihar*, (2001) 6 SCC 407, para 22

³⁵ R.M. Sahai, J. in *Ashok Kumar v. State of Rajasthan*, (1991) SCC 166, para 4

³⁶ Dr A.S. Anand, C.J. in *Kundula Bala Subrahmanyam v. State of A.P.*, (1993) 2 SCC 684, para 25

³⁷ Dipak Misra, J. in *Voluntary Health Assn. of Punjab v. Union of India*, (2013) 4 SCC 1, paras 14, 21 and 35

The illegal artificial termination of a female foetus amounts to a denial of dignity to the unborn girl child. It undermines human principles.³⁸ Discrimination against female children in Indian society persists for various reasons, including social behavior and prejudices against female children, as well as the evils of the dowry system, which continue to exist in society despite its prohibition under the Dowry Prohibition Act. The decline in the female child ratio nationwide necessitates the conclusion that the practice of terminating female fetuses using prenatal diagnostic methods is prevalent in this country.³⁹

Women Empowerment

Eve-teasing harasses women at schools, parks, railway stations, and other public places in a civilized society. This action just demonstrates that the requisite respect for women has not been socially instilled. A woman is entitled to her personal space, just as a man is. According to Article 14 of the Constitution, she is entitled to equal protection with men. Engaging in an immoral act of eve-teasing does not infringe the freedom to live with dignity protected by Article 21 of the Constitution. It affects the core concepts of gender sensitivity and fairness, as well as a woman's rights under Article 14 of the Constitution. Furthermore, it has an irreversible impact on women's rights under Article 15 of the Constitution. It is necessary to consider why women in India are denied the right to live in peace and with dignity and freedom. It must be accepted that she has the right to life and the freedom to love as she chooses. She has a legally binding individual decision. It must be socially respected. No one can compel a woman into affection. She possesses the absolute legal right to refuse the proposal.⁴⁰

The Supreme Court aims to set high standards and guide future generations. Swami Vivekananda, a renowned philosopher, asserted that the manner in which women are treated serves as a paramount measure of a nation's progress. Crime against women not only diminishes the rate of societal development but also undermines the self-esteem and dignity of women. The fight for gender justice necessitates that every individual, regardless of their gender, be prepared to assume responsibility and also mobilize public opinion for gender justice. Gender justice is to be communicated to the general public, with a particular emphasis

³⁸ Dipak Misra and Shiva Kirti Singh, JJ. in *Voluntary Health Association of Punjab v. Union of India*, (2016) 10 SCC 265, para 41

³⁹ K.S. Panicker Radhakrishna 1, J. in *Voluntary Health Assn. of Punjab v. Union of India*, (2013) 4 SCC 1, para 1

⁴⁰ Dipak Misra, J. in *Pawan Kumar v. State of H.P.*, (2017) 7 SCC 780, para 47

on males. The battle for gender justice can only be won by taking proactive measures at all levels to combat violence against women, sensitizing the public, and ensuring widespread attitudinal changes and a comprehensive shift in the existing mindset, as well as by strict adherence to legislative provisions.⁴¹

A woman's personal liberty is contingent upon her integrity, dignity, and self-respect. The development of society as a whole relies on the progress of every individual. A crime against women is an unjustified invasion of her right to privacy, which undermines her self-esteem and dignity.⁴² Strong legislation and sanctions alone may not be enough to combat rising crimes against women. In our tradition-bound culture, certain attitudinal and attitude changes are required to respect women and promote gender justice. Children should be taught to respect women beginning in their early lives. Children ought to be instructed to accord respect to women within society on an equal basis with the respect taught towards men. Gender equality should become a component of the educational curriculum. Schoolteachers and parents should be taught not only to perform regular personality development and skill enhancement exercises, but also to monitor the children's real behavioral patterns to make them gender sensitive. Educational institutions, government institutions, employers, and other stakeholders must take initiatives to raise knowledge about gender sensitization and respect for women. Sensitization of the public to gender justice via television, media, and the press should be encouraged. On the practical side, just a few solutions are worth considering. Banners and signs on public transportation vehicles such as cars, taxis, and buses must be maintained. Streetlights, lighted bus stops, and additional police patrols at odd hours must be provided. Police/security guards must be stationed in dark and lonely areas such as parks, streets, etc. Mobile applications that provide rapid support to women should be created and properly maintained. Aside from efficient enforcement of numerous laws protecting women, a shift in society's thinking and raising public awareness about gender justice will go a long way toward combating violence against women.⁴³

Women across the globe, notably in India, experience a variety of gender limitations and discrimination. Even though women have a unique, equal position with males under the Indian Constitution. In actuality, they still have a long way to go before achieving this

⁴¹ R. Banumathi, J. in *Mukesh v. State (NCT of Delhi)*, (2017) 6 SCC 1, para 521

⁴² R. Banumathi, J. in *Mukesh v. State (NCT of Delhi)*, (2017) 6 SCC 1, paras 370 and 379

⁴³ R. Banumathi, J. in *Mukesh v. State (NCT of Delhi)*, (2017) 6 SCC 1, para 373

constitutional position. It is increasingly recognized that true empowerment of women would result in their well-being, allowing them to enjoy their guaranteed rights, provided women are also economically empowered. Previously, the focus was on improving women's care, and as a result, the emphasis was mostly on women's health. The emphasis has turned to economic empowerment. Such aims have gradually changed or widened to incorporate women's active roles in development. Women are no longer perceived as passive beneficiaries of welfare-enhancing assistance; instead, men and women alike see them as active agents of change.⁴⁴ Colebrooke, in his work "Digest of Hindu Law (Volume II)", quoted the Mahabharata at p. 121 thus: "Where females are honored, there the deities are pleased; but where they are unhonored, there all religious acts become fruitless." This demonstrates the elevated status conferred to Hindu women by Shastric law.⁴⁵

Women all across the world are becoming more assertive of their rights and want the freedom to make their own choices, which is not an odd or unreasonable viewpoint. However, it is vital to strive toward a shift in people's thinking in general, not just via legislation and other types of control, but also by offering adequate facilities for those who wish to escape this trap and either better their existing circumstances or begin a new life altogether. Regardless of one's perspective, the situation requires the state and its authorities to pay close attention if women's dignity and respect are to be restored.⁴⁶ Rather than limiting women's freedom, empowerment would be a more viable and socially appropriate policy. This empowerment should be represented in the state's law enforcement policy and any legislation that is modeled in this respect.⁴⁷

It should be clear to everyone that society as a whole cannot preach from the pulpit about social, economic, and political equality of the sexes, while some pervert members of the same society dehumanize women by attacking their bodies and ruining their chastity. It is an attack on a woman's individuality and intrinsic dignity, with the expectation that she should be gracefully submissive to males. Upholding the reputation of women within society reflects the essential moral fabric of a civilized and orderly community. No member of society can afford to entertain the concept of creating a hollow tribute in honor of a woman. Such a mindset is

⁴⁴ Dr A.K. Sikri, J. in *Richa Mishra v. State of Chhattisgarh*, (2016) 4 SCC 179, para 28

⁴⁵ M.Y. Eqbal, J. in *Anuradha Samir Vennangot v. Mohandas Samir Vennangot*, (2015) 16 SCC 596, para 11

⁴⁶ Altamas Kabir, C.J. in *State of Maharashtra v. Indian Hotel & Restaurants Assn.*, (2013) 8 SCC 519, para 147

⁴⁷ S.S. Nijjar, J. in *State of Maharashtra v. Indian Hotel & Restaurants Assn.*, (2013) 8 SCC 519, para 141

not just regrettable but also reprehensible. It is not an exaggeration to state that the concept of sullyng a woman's physical structure destroys the recognized civilized standard.⁴⁸

It is not an exaggeration to argue that a society that does not respect its women cannot be considered civilized. A child's innocence and a woman's creative brilliance should never be dismissed or ignored. A country's civilization is defined by how well it treats its women. It is imperative that people now understand that it is necessary to treat women with respect and dignity in order for humanism to survive in its philosophical essence. Each member of society is obliged to cultivate a scientific temperament in the contemporary setting since it is a current societal demand.⁴⁹

Women in India accomplish more than \$612.8 billion worth of household labor each year. We frequently forget that the time women spend doing housework as homemakers is time they may dedicate to a paid job or education. This lack of sensitivity and acknowledgment of their job is primarily responsible for women's high rates of poverty and subsequent marginalization in society, as well as a variety of medical, social, and psychological issues. These aspects should be taken into account by courts and tribunals while determining compensation for housewives who are victims of traffic accidents and quantifying the amount to determine reasonable compensation.⁵⁰

In this day and age, women's rights are unquestionably secure. This empowerment should be reflected in the state's law enforcement initiatives as well as law modeling efforts in this area. With the development of the contemporary state, new security models must be devised. In certain cases, the expense of security at the business might be split between the state and the employer. In this day and age, women's rights are unquestionably secure. No legislation should have the consequence of maintaining women's subjugation. Rather than imposing limitations on women's liberty, adopting measures aimed at their empowerment constitutes a more legally sustainable and socially accountable approach.⁵¹

Justice, like freedom, is indivisible. The fact that our fundamental religion, inscribed in Articles 14 and 16, was tragically rejected in relation to half of India's humanity, namely our

⁴⁸ Dipak Misra, J. in *Shyam Narain v. State (NCT of Delhi)*, (2013) 7 SCC 77, para 27

⁴⁹ Dipak Misra, J. in *Voluntary Health Assn. of Punjab v. Union of India*, (2013) 4 SCC 1, para 20 and 31

⁵⁰ A.K. Ganguly, J. in *Arun Kumar Agrawal v. National Insurance Co. Ltd.*, (2010) 9 SCC 218, para 63

⁵¹ S.B. Sinha, J. in *Anuj Garg v. Hotel Assn. of India*, (2008) 3 SCC 1, paras 20, 37, 38 and 47

women, reflects the chasm between the Constitution in writing and the law in practice and if the administration, as the guardian of Parliament, establishes regulations in violation of Part III, particularly when high political office and even diplomatic assignments are held by women, the inference of a die-hard antipathy to gender equality is unavoidable.⁵²

Conclusion

The Supreme Court has improved women's rights and achieved gender equality by reading the Constitution in a way that is accessible to everyone and looks to the future. The Court has not only recognized how difficult it is to deal with violence and discrimination against women, but it has also said unequivocally that the law protects their rights to freedom, dignity, and equality. By focusing on women's rights and victims' needs, the courts have strengthened the legislation, made it simpler for people to get justice, and forced the government to address violence against women. The laws are more equitable now that the courts have delivered verdicts, but true gender justice remains dependent on how effectively people execute the law, how society evolves, and how institutions are held accountable. We have a legal and moral commitment to create the world as a place where women do not have to fear being treated as property, terrorized, or treated unfairly. The Constitution envisions a society that is inclusive, just, and equitable.

⁵² V.R. Krishna Iyer, J. in *C.B. Muthamma v. Union of India*, (1979) 4 SCC 260, para 6 and 15