

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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MODERN AND CONTEMPORARY SOCIAL BARRIERS TO WOMEN'S RIGHTS IN INDIA

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ABSTRACT

This review synthesizes research on Data void in pharmacology, Dalit woman reproduction rights , Online misogyny , stratified reproduction, historical background of Manu Smriti, impact on social structure influence on modern laws, gender dynamics, intersection of online misogyny and reproductive rights, online platform influence on societal biases , case studies, policy implications, access to reproductive healthcare, socio-economics impacts, data-void implications on marginalized communities, research gaps , data collection bias. To address critical gaps in understanding the many aspects to be considered of barriers affecting reproductive health equity for marginalized populations.

The review aimed to evaluate data in pharmacology, benchmark legal and social framework impacting Dalit women's reproductive rights, analyze online misogyny influence on reproductive justice, and deconstruct ManuSmriti's historical laws.

A systematic literature selection prioritized the studies from a global context, employing the thematic and critical disclosure analysis. Findings reveal the backward pharmacological data which avoid the pregnant and the women's who comes from a lower background which makes the data void in many aspects, the amplification and the hates towards women's which we see through online which violates the rules in many ways.

India is probably known as the land of the goddess where we worship the idols of **KALI** as well as **DURGA**, in the same land the women's got abducted, men's sexually assault them they find them as a toy to fulfil their needs. The government of India provides a set of rules for the women to seek their safety and get protected, some of the rights seek equal justice, equal pay, right against domestic violence, right against harassment, right against harassment at work place as per in case of **VISHAKA**, right against zero fir etc.¹

¹ IGNCA The Laws of Manu (1962)

KEY WORDS - Dalit women reproductive rights, Data void in pharmacology, Stratified reproduction, online misogyny.

INTRODUCTION

“I had then decided to take up the study of law so that I could give women free legal aid and assist them to defend themselves”

(DURGABAI DESHMUSKH one of our female freedom fighters)

India known as a land of goddess where we kneel in front of women we pray but we also see the other India as well where the women been raped, abused, and get murder in the name of dowry, one thing the society never talked is about the marital rape we don't find any laws, we make temples for the goddess but we restrict women to allow at temple for the sake of impurities between her menstrual cycle they restrict women to pray other women in the name of impurities. **THE MAIN QUESTION ARISED WHO MADE THSES LAWS?** If we see it now or in historical times, they always made superior and inferior boundaries between woman and man, they say same woman impure who give birth them or to new life in this world. If we dig in some custom which made by us like **SATI**, we don't know who made it but we are following it up as a statute of our culture we make so much cultural norms for the woman that we ourselves forget what religion give us how religion guide us. Historical era clearly reveals the status of woman in India has subject to many changes like, if we speak about Indo Aryan era, woman underwent subordination. Practices and taboos like female infanticide, child marriage, and Dowry and Widow re-marriage. As we talk about the validity of data in pharmacology to ignore the one race of the gender which leads the gap of the knowledge that how this drug works on the female body or her hormonal going to change accordingly. The scientist relied on a male animals and male human participant creating it as “male as norm” bias that cause the high rate of (ADRs) in woman.

Even we got discrimination for a common rights of ours like right to healthcare or seek government service but in this people made hierarchy of upper and lower class while the upper class woman can seek services like IVF or a surrogate mother for their child but on the other hand a lower class woman can't even take a proper treatment for their infertility or to seek medical care or their child, the policies or scheme which were for the lower class people they are not enjoying their rights for the benefits.

The **MANOSPHERE** online communities who often portray woman as manipulative, dangerous or inferior to woman. The digital platform often harass women sexualize them the sexist abuse which often come to men, and threatening them to death the social life comes in

real too we often see that in public even a female journalist or politician or a woman right activist are not safe in public neither in social media platforms, the manosphere often influence young youth of our society they often gather into the environment where masculinity propose hostile attitudes towards the women.

Even the social media algorithm promotes more sexualize content or a sexist remark and a hateful comment towards the women, the other side of the society the women were fighting for their basic rights that part of the social media was hidden from the most of the people even the social media won't promote this type of content to the youth. If any movement starts to promote any discrimination about the women, they often get backlash to some misogynist group who often oppressed women. There are always a discrimination and inaccessibility of a Dalit women reproductive right in public health settings, including being denied to care or receiving standard treatment compared to upper caste woman, midwives and health care worker have been known to discriminate as per the rate **46%** Dalit woman in certain areas of India not receiving no antenatal care. Dalit woman often targeted for sterilization as a part to control population without proper treatment or knowledge of what they are doing with them and why without their consent.

Dalit woman faces high rate of maternal mortality, condition like uterine prolapse are common due to heavy labor and lack of proper health measure. If we talk about with a religious aspect, they often gave lack of in-dependency to woman they state that woman is never fit to independence and should not do things independently. Under the law of Manu is subject to give woman a heavy punishment it also gives right to beat his wife with a specific thing which mention in Manu is rope and with a split bamboo. In Manu, it also states that, they don't have a right to recite Veda mantra to perform between the, Sanskar's woman had no knowledge of their own religion which they were practicing for so long they don't have the right to know their Vedas. As per the scripture the mantra is useful for removing sins. As woman cannot utter the mantra they are as unclean and untruth.²

LITERATURE REVIEW

Before we discuss the strength and weakness of this topic. Let's understand what the crux of the topic.

This review synthesizes interdisciplinary scholarship on four different domains

- Data void in pharmacology

² UN Women Europe & Central Asia (2025)

- Dalit women's reproductive rights
- Online misogyny
- Stratified reproduction.

The main argument is that these are not just issues but they are our co-constitutive mechanism that produce caste stratified reproduction outcomes, where lower class or Dalit woman bodies used simultaneously erased from a pharmacology data where there are no such data or drugs that has been tested with pregnant woman or with a body of woman bodies can bare that drug. According to Singh (2024) documents that fewer than 30% of participants in industry sponsored early-phase trials are women, even in the historical and ongoing there are gender gaps in pharmacology in India, many global have high number of female participants.

Many studies shows that women are more likely to face sexual harassment than men, online misogyny are much more disturbing than most people think in some cases they came contact with a death threat or many disturbing images that women came in contact they mostly shared by man, even sometimes many derogatory posts often get viral about women's body parts and some other videos which often seen normal but the people sexualize them like a mother where she's feeding her child.

In the reproductive either its Dalit women's or stratified medical care played a crucial in both of them it mainly describe how capacity and rights are unequally valued for class, ethnicity, race. It mainly highlights how one class getting every opportunity the other got one here we see the discrimination between the different sects of the class and society.

PROS AND CONS OF DATA VOID IN PHARMACOLOGY

Why exactly we are talking about this what's the reason behind it In order to understand let take a brief description of it.

Women were not recognized as a variable in health research. Researches prefer male models mainly which often lack the knowledge that how this drug were works on female bodies or what changes were happen in their hormones, they prefer male animals or human beings as they lower in cost. The researcher often take male because they don't get the fear of liability from parental exposure case of pregnancy.

1. PROS

The body of work collectively identifies significant research gaps, including the under inclusion of a marginalized population insufficient data related to woman in every aspect of her life.

Several studies highlight the data voidance and systematic under-representation of woman, pregnant, resultant delays and ineffective trial.

Major breakdown of this is mainly it studies on male to mostly according to data 50-70% are reaction seen in women body, due to metabolism, body fat and enzymes or a hormonal change which they go through, for the researchers a female body as a variation is a niche interest to them for clinical or drug trials. As per the data from 1997-2000 drugs were removed from the US market especially because they posed greater health risk to woman.

Requiring female trial participants to use multi-layered contraception, undergo frequent pregnancy tests, or schedule drug administration on specific days of their menstrual cycle created significant burden and high drop-out rates. Male-only trials had lower protocol complexity, leading to higher participant retention and fewer trial disruptions.

2. CONS

In many trials the researcher used animal model which is the most main part of this animal bodies perform differently as compare to human, their physiology often processes drugs differently their hormones are far different from us which we can't rely on completely.

In many labs the researcher tests a oversimplified lab test with a single cell, a single cell can't replicate a whole system of humans, the cell can't replicate a complex system of human or can't perform a any interaction without a whole-body organ.

Many labs take a patient which don't reflect a diverse of a real-world population they often take people who are fit that most of the people won't relate all beings have their own problems or some can't even healthy life as the patient they were testing for the economy. Small trial size can't determine a society at large with a group of small people researcher fail to identify the diversity of the drugs reaction that occur 1 in a 10,000.

Many failed drugs that have negative reactions are frequently left unpublished because of industry-funded research the researcher incline towards the funding more than life which were in stake out of biasness they often design towards favourable outcome for sponsors drug even they are not good.³

Case Analysis

1. *The Irving Zucker & Annaliese Beery Study Case (2020):*

it's a landmark meta-analysis conducted by researcher at UC Berkeley and the university of

³ National Library of Medicine (2026)

Chicago analyzed the thousands of data across the world to medical journal to evaluate the real world impact of the female deficit, the study proved a direct **“drug dose gender gap”** according to FDA data which is approved by **86** different FDA, medications including which is widely spreaded like Anti-seizures drugs, Antidepressants, and cardiovascular medications. As we known many women's trials were never happen mainly in a pregnant women as of fear of many things like as for responsibility or cost efficiency the drugs were never be trial on them which may cause affect in a pregnant women or to their unborn child in most cases the child brain get not fully developed or some parts were affected by the medications which were given to her, this case often talk about the gender gap or the lack of study in female body that how they are slowly affecting to them in a large number of scale.⁴

IMPACT:

Women are systematically prescribed medication dosage optimized for male bodies, which make a large difference of biological and pharmaceutical difference. It exhibit more drugs in blood rather than men according to human autonomy women body can take longer to process the medication to go through in their system, because of this women experience more drug reactions than men, women suffered worse clinical side effects things like nausea, headache, and depression to severe complications like hallucinations, and cardiac anomalies. It highlights the how a women body go through many things just because of the lack of trials in their body because of which women go through things that risk their life in many possible ways.

2. *The Maternal and Pregnancy Trial Voids (Tuberculosis & COVID 19)*

Pregnant and Postpartum individuals are historically and mostly excluded group in drug development, flagged the severe lack of pharmacokinetics data to Tuberculosis Treatment for Pregnant patient, forcing clinical to give safe dosage without the idea of ideal dosage to the patient even the researcher used the term a “pregnancy data void”. Even at the time of COVID 19 they lack the data of female in medication because official scientific data was initially missing, the online manipulator spread the misinformation.⁵

IMPACT:

In pregnant women we see dynamic changes throughout their body, hormones and moods. But if see the pharmacokinetics trial data is missing for pregnant women which led to cause treatment failure or in some case over dosing which increases the risk for both parent and fetus. There's a paradox of risk shifting that they exclude the pregnant people to shield them and their

⁴ The Irving Zucker & Annaliese Beery Study Case (2020)

⁵ The Maternal and Pregnancy Trial Voids (Tuberculosis & COVID 19)

fetus from harms, but it creates a dangerous paradox to both of them in some pregnant women we can see the chronic illness like for Ex: asthma, diabetes, or thyroid, and infections which can be managed during pregnancy. In COVID 19 there's a lack of trial and even get a shorter period of time to trial or to take proper precautions even the myth where spread that any women who got vaccinated became infertility. This systemic ambiguity fuels massive vaccine hesitancy and public distrust.

PROS AND CONS OF STRATIFIED REPRODUCTION

The term coined by the anthropologist SHELLE COLEN (1980) which mainly describe how reproductive labor, capacity and the rights are unequally valued for class, ethnicity, race. It mainly highlights that how one class is encouraged and take proper health care to reproduce while other where in coerced to sterilization and lack of medical resources or proper knowledge. It mainly highlights the unequal reproductive rights to the lower-class woman.

1. PROS

The intersectionality of caste, class and gender in shaping access to reproductive healthcare, highlighting the systematic inequality faced by Dalit woman and other lower-class groups, the concept of stratified reproduction is mostly applied to pharmacology and health care access, revealing structural voidance.

It violates the narrative of free reproductive rights by demonstrating that many woman choices were restrained or economically forced such as IVF access or many women acting as a commercial surrogate.

In many scenarios the stratified reproduction is not limited to birth control or abortion. It accounts for unequal access to parental care, safe birth environment, child rearing resources, and equally care after birth as for example postpartum depression.

Because stratified reproduction is a critical lens used to analyze social inequality and reproductive injustice, it is not a policy or system designed to have “pros.” Rather, social scientists study it to expose how power structures empower privileged groups to reproduce while disempowering or exploiting marginalized groups.

2. CONS

The lower class often face coerced of sterilization and lack of medical resources or proper knowledge. We also see the concept of midwives where the lower-class women left their own child, to care other wealthy family.

It also gives the phenomena of migrant care work where care giver from the other states comes to the wealthy nation creating a “care deficit” in their own nation. It also highlights the poor work of the state to implement the laws for proper treatment for the lower class of the woman. Without the proper knowledge of the birth care or any birth control pills they tend to produce more child which often lead to more poverty sometimes the death of the mother of excessive birth of the child that rupture the tissue which cause excessive bleeding to death.

Lower-class women face compounded disadvantages due to the overlap of gender, class, and race-based discrimination, making them more vulnerable to exploitation in caregiving roles while simultaneously being denied access to quality healthcare, legal protection, and social mobility.⁶

Case Analysis

1. The Transnational Surrogacy Framework Case:

1. Baby Manji Yamada V. Union of India (2008):

It is one of the Supreme Court landmark case involving around a child born via an Indian surrogate to a Japanese couple who divorced before the birth. Because Indian law doesn't allow single foreign man to adopt a female child, this case exposed a major legal vacuum which demonstrating how a cross border reproductive labor leaves a child and a surrogate mother in a vulnerable state. It also highlights the major thing that there are no such laws which helps the surrogate mother to upbringing the child and lack of basic necessity like a medication, education and many other things which is necessary for child's welfare.⁷

LEGISLATIVE IMPACT: The Supreme Court decision prompted the Indian government to re-evaluate the regulatory framework, eventually culminating in the Surrogacy Regulation Act, 2021.

2. The Current Age & Status Exclusion Battles:

1. Vijaya Kumari S. & Another v. Union of India (2005):

This case revolves around the age restrictions for intending couple, here the petitioners argued that these age limits were discriminatory and violated the right to reproductive autonomy under Article 21. Where three couples challenged the strict age criteria 50 for women 55 for men it

⁶ National Institute of Health (2014)

⁷ Indian Kanoon (2008)

is imposed by the Surrogacy Regulation Act 2021. The court ruled that couple who had already frozen their embryos prior to the law could not have their reproductive rights cut short from a past date. Its core issue was Section 4(iii)

(c) (I).⁸

LEGAL IMPACT:

- Right to reproductive autonomy: Adds to the line of cases under Article 21 dealing with bodily autonomy, privacy, and family formation. Can be cited in future ART, IVF,
- Surrogacy challenges.
- Delegated legislation Scrutiny: Courts will now tests if rules under Social Welfare Acts are proportionate and evidence-based, not just policy choices.

PROS AND CONS OF ONLINE MISOGYNY.

Online misogyny refers to the hatred, hostility, and discrimination directed toward women through digital platforms such as social media, gaming, and online forums. As the internet became part of everyday life, it also became a space where women are routinely targeted with threats, harassment, and degrading language simply for expressing themselves online, making it a modern and widespread extension of real-world gender inequality.

1. PROS

Social media platforms have given women a powerful space to publicly call out and document online misogyny. Movements like #MeToo spread globally because of the internet, allowing victims to share their experiences, gain solidarity, and push for real-world accountability that previously felt impossible.

Women who face online harassment no longer have to suffer in silence. Online communities and support groups have formed specifically to help victims cope, share resources, and collectively resist misogynistic behavior, creating a sense of belonging and strength in numbers. The visibility of online misogyny has forced governments, organizations, and tech companies to acknowledge the problem. This has led to policy discussions, content moderation improvements, and legal frameworks being developed to better protect women in digital spaces.

2. CONS

⁸ Supreme TodayAI (2025)

Constant exposure to hate, threats, and degrading comments takes a serious mental toll on women. Many experience anxiety, depression, and trauma as a direct result of online harassment, often forcing them to self-censor or completely withdraw from digital spaces to protect their mental health

Online misogyny acts as a gate keeping tool that discourages women from freely expressing their opinions, especially in male-dominated spaces like gaming, politics, and technology. This digital silencing directly translates to reduced representation and influence in important public conversations.

Despite growing awareness, major social media platforms still struggle to consistently enforce policies against misogynistic content.⁹

Case Analysis

1. *Gamergate Controversy (2014-2015):*

One of the recognized foundational case we study in large scale as for online harassment death and rape threats to target women in the video game industry. It started as a small campaign against Indie game developer *Zoë Quinn*, but quickly spreaded into a bigger movement in which it also attacks personally, It also included media critic Anita Sarkeesian and developer Brianna Wu. Even the hashtag was coined by actor Adam Baldwin on twitter on August 27 2014 #Gamergate and the right wing columnist Milo Yiannopoulos popularized the hashtag on the Breitbart news site, he soon became one of the visible faces of both the gamergate and the broader anti-feminist movement.¹⁰

IMPACT:

It describes as a culture war over feminism, diversity, and who gamer are. Gamergate became the playbook for online harassment, cybermobs, and far right recruitment of disenfranchised men online. It also highlights the gaming journalists had to defend ethics of game journalism and respond to a tax on women they link their work to traditional journalism. The controversy pushed both inside and outside the gaming industry to focus on methods of addressing online harassment and minimizing harm.

2. *Bulli Bai & Sulli Deals Case (2021-2022):*

This case revolve around the two similar Apps/Website on GitHub in 2021-2022 that “auctioned” photos of 100+ Muslim women, journalist, activists and students without their

⁹ UN Women (2025)

¹⁰ Britannica Gamergate (2014-15)

concern. Sulli and Bulli are slurs used for Muslim women. No real auction happened the only purpose was harassment, intimidation and online abuse. Photos were taken from Twitter/Linked-in and put on the apps with demeaning captions, both were open source on GitHub prominent Muslim women to silence and humiliate them. The major section that we talked in this case are IPC 153A, 354A, 509 + IT Act 67 for hate speech, outraging modesty, cyber harassment.¹¹

IMPACT:

It highlights the online gender based violence and targeting of women based on the particular religion which also led to a stricter content take down request to platform like Github and Twitter. This case also becomes a key example cited while discussing enforcement of IT Rules, 2021.

CHALLENGES

India, is a nation which is rich in culture diversity and history, then too there are too many hurdles for women, they have to deal with education disparities and workplace inequality to societal norms and health concerns. Here the main aim is to foster a deeper understanding of the issues at hand and try to change which is needed to create a more inclusive and equitable society.

1. Gender Disparities in Education:

In many urban or rural places the girls education is not the main point for the traditional society, the society mindset focus on a profitable thinking as per the society if they educate a girl child in the end they are going to marry to someone or they will beneficiary to them not their parents but in the other hand as per the boys they think as a profit raiser as because they are going to pay them off what they are spending to their studies either with a job or with a dowry.

2. Workplace Inequality

They are mainly gender biased. As we see women frequently encounter challenges such as unequal pay, they don't have career growth opportunities, & workplace harassment. Companies must embrace diversity and inclusion initiatives, providing equal opportunities for women to bloom in their careers.

3. Violence against Women:

Women's has been suffering violence for a long time, it's the pervasive issue of violence

¹¹ BBC Bulli Bai & Sulli Deals (2021-22)

against women, like domestic violence, sexual assault, & harassment. While legal frameworks exist, women's were harassed in many ways, despite having laws that should be protecting them from such violence even though we have (Vishaka guidelines) for workplace harassment/rape.

4. *Child Marriage & Dowry system:*

Practices like child marriage had been made deep-rooted cultural practice. In rural areas young girls got married as of age 14-15 even thou they don't had any knowledge of what's happening with them some died out of unbearable pain of their first night.

As we talk about a dowry system it also had been a part of cultural practice for so long, which is now became a part of cultural practices which is now became a part of the marriage, because of this many women's died by dowry death or force death by their in-laws (Sham lal v. state of Haryana 1997). Dowry deaths in India are governed by strict legal framework section 304B of IPC & section 80 of BNS.¹²

Laws for Women in India

Throughout the centuries its legal system has transformed to reflect the evolving social & cultural dynamics. However, women have faced many historically disadvantages.

Unfortunately, some of the existing laws for women in India, continued to be discriminatory, there has been a movement aimed to at reforming Indian law to fairness & equality for women.

Right of Women in India

1. *Right to Maintenance:*

Every married women had the right to receive support, or in legal terms, maintenance from her husband even if they are not living together (Shah Bano case). Right is protected by laws for women in India such as Hindu Marriage Act, 1955 & the protection of women from Domestic Violence Act 2005.

2. *Right to Equal Pay:*

One of the most important labor rights is the concept equal pay for the same amount or equal amount of work done. In India the equal Remuneration Act of 1976 is the primary law that ensures both male and female workers are paid equally for both, against women based on gender in employment related matters like recruitment & promotion.

3. *Right to Self Defense:*

¹² Shree, Challenges faced by Women (2024)

Under section 100 Indian Penal Code (IPC), every person including women has the right to protect her body from any violence, attack or assault which can lead to death, grievous hurt, kidnapping etc.

4. *Right against Dowry:*

Lots of woman are not able to get married because of unnecessary dowry demands from the other side. The Dowry Prohibition Act, 1961 prohibits the dowry system, i.e. both, the giving and taking of dowry. Every woman in this country has the right to be free from dowry demands, harassment and abuse.

5. *Right to Dignity and Decency:*

Every woman should lead a life of respect, equality and decency, free from any form of fear, force, violence or discrimination. According to article 21 of the constitution every citizen.

Section 354A of the Indian Penal Code criminalizes harassment.¹³

CONCLUSION

This study reveals how deep-rooted patriarchal norms, reinforced by historical text like Manusmriti, continue to obstruct women's sight in contemporary India. Dalit women experienced discrimination at the name of caste and gender or hierarchy of the society. Reproductive rights remain stratified, with unequal access to contraception, abortion and maternal care along caste and society of upper-class lines. And on the other hand, online misogyny has emerged as a powerful modern barrier, as silencing women through digital harassment. Additionally, the data void in pharmacology purposely gender-blind healthcare, disproportionately affecting women in large.

These modern and contemporary barriers hinder both individual and national progress. Addressing them requires a good policy to stop online harassment, equality in healthcare system for Dalit or stratified reproduction and equal rights in research industry.

ACKNOWLEDGEMENT

This research work is a product of hardships, with knowledge and effort, through the participant's participation and support of significant persons. The researcher would like to extend their sincerest gratitude for the help and support of the following:

To our college Principle, Hon. DR ANIL KUMAR SINGH, for instilling to each and every one

¹³ Lexis Nexis, Laws for Women in India (2025)

of our value of character and service.

To our research instructor, Prof MOONAM KHARAT, for letting us know everything about research and to pursue this research.

To our parent, to have continuously support us financially to accomplish this study and for their guidance, encouragement and inspiration to us throughout their life a very special thank you for parental presence and constant guidance to us.

I would also like to thank my fellow partner and friends for the stimulative discussion, for working together.

To all the significant persons who in one way or another assisted the researcher with sincerity and efforts. These will be treasured and appreciated by the researchers forever and always.

RECOMMENDATION

In order to prevent the barriers of woman government must implement the policies for reproductive rights for the reserved category and made a separate body to make it run for better healthcare and maternity care for the Dalit woman. Make a fast-track courts, mandatory sensitization for police and judiciary. Reproductive rights should be shift from a narrow medical approach to broader way ensuring to take proper precautions of abortion, miscarriage, labour capacity, maternal care and fertility services.

Bridge the data void in pharmacology by mandating gender, caste and class data in all clinical trials, drug approval and health research. Establish national guidelines requiring of vast female population even in the Dalit and rural woman in pharmaceutical studies.

The online harassment to prevent it provides an AI tool to detect any sexualize content to ban or block the platform which are spreading it and detect the age range to whom it used by to prevent any child. Improve algorithm of the social content promotes educational videos or anything which help to gain knowledge.

We have to educate our youth what woman do in historical era and what she's capable of doing so many female freedom fighters we even don't know in books or in any places like courts or any government office we often see male freedom fighters and so on but not even a single person known that there was so many female freedom fighters which help to gain independence like Rani Abakka, Aruna Asif Ali, Mantanani Hazra, and Tapeshwar Barua.

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