

International Journal Research Publication Analysis

Page: 01-09

RIGHTS OF WOMEN IN INDIA A STUDY OF CONSTITUTIONAL AND LEGAL PROTECTION

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Article Received: 04 September 2026

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Article Revised: 24 September 2026

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Published on: 14 October 2026

DOI: <https://doi-doi.org/101555/ijrpa.6304>

ABSTRACT

Women's rights are an essential part of human rights and constitutional democracy. They are closely connected with equality, dignity, personal liberty, safety, education, employment and economic independence. In India, the Constitution provides a strong foundation through Articles 14, 15, 16 and 21, while also allowing special measures for women where necessary. Parliament and the judiciary have developed a wider legal framework addressing domestic violence, dowry, workplace sexual harassment, child marriage and unequal access to property and opportunities.

This paper examines the development and importance of women's rights in India. It explains the constitutional framework, major protective laws, important judicial decisions and rights relating to education, employment, property, maternity and personal dignity. It also considers practical challenges such as lack of legal awareness, social stereotypes, economic dependence, under-reporting and difficulties in accessing justice.

The paper concludes that India has a substantial legal framework, but its effectiveness depends on implementation, awareness and social change. Women's empowerment therefore requires more than laws; it requires equal opportunities, accessible remedies, safe institutions and respect for women's autonomy and dignity.

KEYWORDS: Women's Rights, Gender Equality, Constitutional Rights, Article 14, Article 15, Article 16, Article 21, Women's Protection Laws, Domestic Violence, Sexual Harassment, Property Rights, Legal Awareness.

1. INTRODUCTION

The position of women in Indian society has changed considerably. Women today participate

in education, employment, business, public administration, politics, science and many other fields. Yet progress in one area does not automatically remove inequality in another. Women may still face discrimination, violence, harassment, economic dependence and social expectations that restrict their choices.

Women's rights are therefore not only a social issue but also an important legal issue. The purpose of women-specific laws is not to create a separate standard of citizenship. It is to make constitutional equality effective where women face particular forms of disadvantage. The legal system combines general guarantees of equality with specific protections against recognised forms of harm.

The Constitution provides the foundation. Articles 14, 15 and 16 protect equality and equal opportunity, while Article 21 protects life and personal liberty. The Directive Principles also encourage equal livelihood, equal pay and humane working conditions, including maternity relief.

2. Meaning and Concept of Women's Rights

Women's rights are the legal, social, economic and political rights that allow women to live as equal members of society. They include equality before law, freedom from discrimination, education, employment, safety, dignity, property, political participation and access to justice. Equality has both a formal and a practical side. Formal equality means a woman should not be treated unfairly simply because she is a woman. Practical equality recognises that historical and social conditions can create disadvantages that cannot be removed merely by declaring everyone equal.

For example, a workplace may formally be open to everyone, but equality is incomplete if women face harassment and have no safe complaint mechanism. Similarly, a property right is less useful if a woman does not know that the right exists or cannot obtain legal assistance.

3. Historical Development of Women's Rights in India

The development of women's rights in India has been influenced by social reform, education, constitutionalism and legislative change. After independence, the Constitution placed equality and dignity at the centre of the legal order.

Parliament subsequently enacted laws dealing with marriage, inheritance, dowry, maternity, child marriage, domestic violence and workplace harassment. Courts have also expanded the understanding of dignity, autonomy and equality through constitutional interpretation.

This history shows that legal and social change influence each other. Law can set a standard for society, but its effectiveness depends on awareness, institutions, enforcement and a willingness to challenge discriminatory practices.

4. Constitutional Framework for Women's Rights

Article 14 guarantees equality before the law and equal protection of the laws. Article 15 prohibits discrimination on specified grounds including sex, while Article 15(3) permits the State to make special provisions for women and children.

Article 16 provides equality of opportunity in public employment. Article 21 protects life and personal liberty and has been interpreted as protecting dignity and other aspects of a meaningful life.

Article 39 supports adequate means of livelihood for men and women and equal pay for equal work. Article 42 directs the State towards humane conditions of work and maternity relief. Article 51A(e) asks citizens to renounce practices derogatory to the dignity of women.

5. Right to Equality and Protection Against Discrimination

Equality is the foundation of women's rights. Article 14 requires fairness in the application of law, while Article 15 restricts discrimination on the ground of sex. Article 15(3) recognises that special measures for women can be necessary to achieve meaningful equality.

Equality does not always mean identical treatment. Where women face a particular disadvantage, protective legislation may be justified because it seeks to remove that disadvantage rather than create permanent inequality.

In everyday life, equality includes access to education, employment, public services and opportunities. It also means that institutions should not rely on stereotypes about what women can or cannot do.

6. Right to Life, Dignity and Personal Liberty

Article 21 is a central protection because the right to life is not limited to physical survival. The constitutional idea of life includes dignity, personal liberty and the ability to live without unlawful interference.

In Justice K.S. Puttaswamy (Retd.) v. Union of India (2017), the Supreme Court recognised

privacy as a fundamental right. The decision strengthened constitutional protection for autonomy, personal choice and dignity.

For women, these principles are relevant where violence, harassment, coercion or restrictions on personal decisions affect their freedom. A rights-based approach must therefore consider both physical safety and personal autonomy.

7. Political and Social Rights of Women

Women are equal citizens and have the same basic political rights as other citizens, including voting and participation in democratic processes subject to law. Political participation matters because public decisions affect education, safety, health, employment and family life.

Participation should be meaningful rather than symbolic. Women should be able to speak, make decisions and hold public responsibilities without intimidation or discrimination.

Social equality is equally important. Women should be able to participate in community and public life without restrictions based on stereotypes. Families, schools and workplaces all influence whether legal equality becomes a lived reality.

8. Right to Education and Equal Opportunities

Education is one of the strongest foundations of women's empowerment. It improves the ability to understand legal rights, obtain employment, participate in public life and make informed decisions.

Practical barriers can still affect access. Economic difficulties, unsafe travel, family expectations, unequal access to technology and social attitudes may limit educational opportunities.

Higher education is especially important because it opens professional and leadership opportunities. Supporting women's education therefore benefits individuals as well as families, communities and the country.

9. Women's Rights in Employment

Employment is closely connected with economic independence. Women should have fair access to recruitment, promotion, training and professional opportunities. Article 16 provides equality of opportunity in public employment.

Workplace equality also requires safe conditions. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 provides a framework for prevention and redressal of sexual harassment and complaint mechanisms, including Internal

Complaints Committees in covered workplaces.

A safe workplace allows women to participate without fear and helps organisations build a culture based on professionalism, dignity and respect.

10. Protection Against Domestic Violence

Domestic violence can affect women within relationships and households and can take different forms recognised by law. The Protection of Women from Domestic Violence Act, 2005 was enacted to provide more effective protection to women facing violence within a domestic relationship.

The Act provides for reliefs including protection orders, residence orders, monetary relief, custody orders and compensation. It also recognises a woman's right to reside in a shared household subject to the statute.

Implementation is important because women may face financial dependence, fear or social pressure when reporting violence. Effective protection therefore requires sensitive police responses, protection officers, medical support, legal aid and accessible information.

11. Protection Against Dowry and Child Marriage

Dowry-related practices can create financial pressure and contribute to harassment and violence. The Dowry Prohibition Act, 1961 seeks to prohibit the giving and taking of dowry and reflects the principle that marriage should not become a system of unlawful financial demands.

Child marriage can interrupt education, reduce economic opportunities and create serious disadvantages. The Prohibition of Child Marriage Act, 2006 provides a legal framework aimed at preventing child marriage and protecting affected persons.

Law alone cannot remove these practices. Families, schools and communities must also understand why such practices are harmful and why equality within family relationships matters.

12. Protection Against Sexual Harassment at Workplace

Sexual harassment can affect a woman's safety, dignity and ability to continue education or employment. The 2013 workplace law provides a specific framework for prevention, prohibition and redressal.

The Act provides for Internal Complaints Committees in covered organisations and Local Committees for certain workplaces where an internal committee is not available. It also sets out complaint and inquiry procedures.

The law is preventive as well as remedial. Employers and institutions have responsibilities relating to awareness and workplace conditions, and employees benefit when complaint procedures are clearly communicated.

13. Women's Property and Inheritance Rights

Economic independence is a major part of meaningful equality. Property and inheritance rights can provide financial security and reduce dependence. The Hindu Succession (Amendment) Act, 2005 strengthened the position of daughters by recognising them as coparceners in a Hindu joint family in the same manner as sons, subject to the law.

In *Vineeta Sharma v. Rakesh Sharma* (2020), the Supreme Court clarified the equal coparcenary status of daughters under the amended Section 6 of the Hindu Succession Act.

Awareness is essential. A legal entitlement has limited practical value if a woman does not know about it or cannot obtain appropriate legal assistance.

14. Maternity and Employment-Related Protection

Pregnancy and motherhood can affect health, income and continuity of employment. Article 42 directs the State to provide just and humane conditions of work and maternity relief. The Maternity Benefit Act, 1961, as amended, provides maternity-related benefits for eligible women employees.

Maternity protection is important because women should not be unfairly disadvantaged at work because of pregnancy or childbirth. Clear workplace policies help both employees and employers understand their rights and responsibilities.

More broadly, dignity and personal autonomy remain important constitutional values. Women should be able to make informed decisions about their lives while receiving the protections provided by law.

15. Important Judicial Decisions

Indian courts have played an important role in developing women's rights. Judicial decisions have connected statutory protection with equality, dignity, safety and autonomy.

Vishaka v. State of Rajasthan (1997): The Supreme Court laid down guidelines dealing with sexual harassment at the workplace when there was no specific central legislation. The decision became an important step towards the later statutory framework.

Justice K.S. Puttaswamy (Retd.) v. Union of India (2017): A nine-judge Constitution Bench recognised privacy as a fundamental right and strengthened protection for autonomy, dignity and personal choice.

Vineeta Sharma v. Rakesh Sharma (2020): The Supreme Court clarified the equal coparcenary status of daughters under the amended Hindu Succession Act.

16. Challenges in the Implementation of Women's Rights

India has an extensive legal framework, but legislation does not automatically produce equality in daily life. One major challenge is lack of awareness. A woman may have a right but may not know which law applies, where to complain or how to obtain help.

Social attitudes can create another barrier. Gender stereotypes may influence education, employment, marriage, property and family decisions. Women may also avoid reporting violence because of fear, financial dependence or social pressure.

Institutional response matters. Police, courts, employers, educational institutions and support services need trained personnel and clear procedures. Women also experience disadvantage differently depending on income, location, education, disability and access to technology.

17. Need for Legal Awareness

Legal awareness can make women's rights more effective. Women should know their basic constitutional guarantees and be able to identify common forms of discrimination, violence and harassment.

Schools and colleges can teach students about equality, dignity, respectful conduct and basic legal remedies. Awareness should not be limited to women; boys and men also need to understand that gender equality is a shared responsibility.

Information should be simple and accessible. Clear guidance, legal aid and awareness programmes can make the justice system easier to approach.

18. Role of Institutions and Society

Courts, police, legal services authorities, public commissions, educational institutions, employers and civil society organisations all have roles in protecting women's rights. Effective protection requires coordination between these institutions.

Institutions should receive complaints respectfully, explain procedures clearly and avoid unnecessary barriers. Legal aid and support services are particularly important for people who cannot easily afford private legal assistance.

Society also has a major role. Respect for women should not begin only when a legal violation occurs. Everyday family decisions, workplace culture and educational environments

can either strengthen equality or reinforce discrimination.

19. Suggestions and Way Forward

First, legal awareness should be strengthened through schools, colleges, workplaces and community programmes. Information should be practical, understandable and available in languages people can use.

Second, implementation mechanisms should be responsive. Complaints should be handled through trained personnel, clear procedures and reasonable timelines. Institutions should also protect complainants from unnecessary pressure.

Third, women's education, skill development and employment opportunities should be encouraged. Economic independence can improve the ability to make choices and seek remedies.

Finally, families and institutions should challenge gender stereotypes from an early age. Legal policy should also keep pace with new issues, including technology-related harassment and privacy concerns.

20. CONCLUSION

Women's rights are an essential part of constitutional democracy, human dignity and social progress. India's Constitution provides a strong foundation through equality, non-discrimination, equal opportunity and protection of life and personal liberty. Parliament has also enacted laws dealing with domestic violence, dowry, workplace harassment, child marriage, maternity and property rights.

However, the real test is not simply whether laws exist. It is whether a woman can study, work, own property, participate in public life, live safely, make lawful personal choices and seek justice without discrimination or fear.

The protection of women is therefore both a legal and social responsibility. Laws provide the framework, but families, educational institutions, workplaces, public authorities and citizens must work together to make those rights meaningful.

A society truly progresses when women are not merely protected by law but are able to exercise their rights with confidence, dignity, equality and freedom.

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