



# The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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## **WOMEN’S RIGHTS AND PROTECTION LAWS IN INDIA: A JOURNEY OF STRUGGLE, STRENGTH, AND SURVIVAL**

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### **INTRODUCTION**

The progress of any nation is directly linked to the status and empowerment of its women. India, with its rich cultural heritage and democratic framework, has witnessed a long and dynamic journey toward ensuring justice and equality for women. Despite constitutional guarantees and an elaborate legal framework, Indian women continue to face structural and social barriers that restrict their full participation in society. Issues like domestic violence, sexual harassment, trafficking, workplace discrimination, and unequal access to education and healthcare remain pressing concerns.

The recognition of women’s rights as human rights has gradually become a central theme in India’s socio-legal discourse. From the freedom movement to contemporary feminism, women have consistently fought for equality, dignity, and protection under law. This article explores the evolution, scope, and effectiveness of women’s protection laws in India, highlighting both achievements and persistent challenges.

### **HISTORICAL BACKGROUND OF WOMEN’S RIGHTS IN INDIA**

The status of women in India has oscillated through different epochs. In the Vedic period, women enjoyed relative freedom and respect. Texts mention scholars like Gargi and Maitreyi, who participated in philosophical debates. However, the later Vedic and medieval periods saw a decline in their position due to rigid patriarchal structures, child marriage, and denial of education.

During the British colonial era, social reform movements spearheaded by Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Jyotirao Phule, and Savitribai Phule challenged regressive practices such as Sati, child marriage, and the prohibition on widow remarriage. Legislative reforms like the Abolition of Sati Act (1829), Widow Remarriage Act (1856), and Age of Consent Act (1891) marked the beginning of legal protection for women in modern India.

The Indian freedom movement became a turning point. Women like Sarojini Naidu, Kasturba Gandhi, Annie Besant, and Kamala Nehru played pivotal roles, asserting both political and social equality. Their involvement paved the way for the post-independence vision of gender justice enshrined in the Constitution.

On a humid afternoon in Delhi, a young woman stands before a magistrate's court, clutching a file of complaints. Her voice trembles, not from fear but from exhaustion the kind that comes after years of battling injustice that should never have been hers to bear. Her story isn't unique; it echoes in thousands of Indian homes, offices, buses, and courts. It's the story of women still fighting to claim what should have been theirs by birthright dignity, equality, and protection.

This is India's story too of how a nation that once worshipped goddesses has also struggled to safeguard the women who walk its streets.

## **THE LONG ROAD FROM TRADITION TO TRANSFORMATION**

For centuries, the position of women in Indian society has been shaped by paradoxes. Ancient texts spoke of women as embodiments of power and wisdom, yet history is filled with stories of silencing and subjugation. The Vedic period celebrated women scholars like Gargi and Maitreyi. But as centuries rolled by, patriarchy hardened its grip. Education for girls faded, property rights disappeared, and social customs like Sati, child marriage, and dowry crushed individuality.

The 19th century saw the first sparks of resistance. Reformers such as Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, and Jyotirao and Savitribai Phule stood up against oppressive customs. The Abolition of Sati Act (1829), the Widow Remarriage Act (1856), and the Age of Consent Act (1891) planted early seeds of women's protection in law.

By the time the independence movement gained momentum, Indian women were no longer on the side-lines. Sarojini Naidu, Kasturba Gandhi, and countless others joined marches, faced imprisonment, and gave voice to half the nation. Freedom for India, they believed, would mean

freedom for its women too. When the Constitution was finally written, their dream took form in ink.

### **FREEDOM ON PAPER: WHAT THE CONSTITUTION PROMISED**

The Constitution of India, adopted in 1950, is one of the most progressive documents in the world regarding gender equality. It declared all citizens equal before the law and prohibited discrimination based on sex. It also allowed the State to make special provisions for women a recognition that centuries of inequality could not be undone by neutrality alone.

The Directive Principles urged the government to ensure equal pay for equal work and humane working conditions for mothers. These constitutional commitments became the moral compass for decades of legislation that followed laws that would seek to protect women from violence, exploitation, and discrimination.

Yet, as every Indian woman knows, a promise in the Constitution doesn't automatically change what happens in the home, on the street, or in the workplace. That change requires more than laws it needs awareness, courage, and social awakening.

### **1 FUNDAMENTAL RIGHTS**

- Article 14: Ensures equality before law and equal protection of laws.
- Article 15(1): Prohibits discrimination on grounds of sex.
- Article 15(3): Permits the State to make special provisions for women and children, thus empowering positive discrimination.
- Article 16: Guarantees equality of opportunity in public employment.
- Article 21: Protects life and personal liberty interpreted by courts to include dignity, privacy, and reproductive rights.

### **2 DIRECTIVE PRINCIPLES OF STATE POLICY**

- Article 39(a): Equal right to livelihood.
- Article 39(d): Equal pay for equal work.
- Article 42: Humane conditions of work and maternity relief.
- Article 46: Promotes the interests of weaker sections, including women.

### **3 FUNDAMENTAL DUTIES**

Under Article 51A (e), it is a duty of every citizen to renounce practices derogatory to the dignity of women.

Together, these provisions lay the foundation for numerous gender-protective laws and policies.

### **THE WEB OF PROTECTION: LAWS THAT CHANGED WOMEN'S LIVES**

The story of women's legal protection in India is one of gradual awakening a series of legal milestones that mirror the evolving understanding of women's rights.

#### **THE DOMESTIC VIOLENCE ACT, 2005**

For generations, domestic abuse was dismissed as a "family matter." The Protection of Women from Domestic Violence Act finally broke that silence. It recognised physical, emotional, sexual, and economic abuse, and gave women the right to protection orders, shelter, and maintenance. For many, it was the first time the law acknowledged that violence within the home is as serious as violence outside it.

#### **THE DOWRY PROHIBITION ACT, 1961**

Even as dowry deaths haunted newspapers, this Act criminalised the exchange of dowry. It was later strengthened by linking it to Section 304B of the Indian Penal Code, dealing with dowry death. Still, the practice persists a stark reminder that legal deterrence is only half the battle.

#### **THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013**

Born out of the courage of Bhanwari Devi, a social worker assaulted while performing her duties, and the Vishaka v. State of Rajasthan judgment, the POSH Act redefined workplace safety. It made every employer responsible for preventing and redressing sexual harassment and created Internal Committees to handle complaints. For working women, this was a quiet revolution.

#### **THE CRIMINAL LAW (AMENDMENT) ACT, 2013**

The 2012 Delhi gang rape, known as the Nirbhaya case, shook the nation. Outrage turned into reform as the 2013 amendment expanded definitions of sexual offences and imposed tougher penalties for rape, acid attacks, stalking, and voyeurism. It was a turning point that made violence against women a public concern, not a whispered shame.

### **MATERNITY BENEFIT (AMENDMENT) ACT, 2017**

Recognising motherhood as a social responsibility, this Act extended paid leave to 26 weeks and encouraged workplace crèche facilities a small but significant step toward retaining women in the workforce.

### **THE TRIPLE TALAQ ACT, 2019**

For Muslim women, the abolition of instant triple talaq was a moment of long-overdue justice, asserting that faith could not be a cover for discrimination.

These are not just laws; they are milestones on a road still under construction — each born from pain, protest, and persistence.

### **WHEN THE COURTS BECAME THE VOICE OF WOMEN**

India's judiciary has often been the stage where women's rights found their strongest defenders. In *Vishaka v. State of Rajasthan* (1997), the Supreme Court laid down the first code of conduct against sexual harassment, long before Parliament acted. In *Lata Singh v. State of U.P.*, it upheld a woman's right to marry by choice, a ruling that still challenges the social walls of caste and religion.

*Vineeta Sharma v. Rakesh Sharma* (2020) gave daughters equal rights in ancestral property, reinforcing that equality cannot be partial.

In *Joseph Shine v. Union of India* (2018), the court struck down the adultery law, declaring that women cannot be treated as property of their husbands.

Each case added a new shade to the canvas of freedom reminding us that justice is not static; it grows as society evolves.

### **THE GAP BETWEEN LAW AND LIFE**

Yet, for all these victories, the ground reality often remains grim. Laws may empower, but enforcement often falters. Police apathy, slow trials, and social stigma continue to silence victims. According to the National Crime Records Bureau, crimes against women have risen steadily not necessarily because violence has increased, but because women are finally speaking up.

In villages, early marriage, domestic servitude, and honour killings persist. In cities, glass ceilings, unequal pay, and online harassment create new forms of control. Technology has opened new spaces for expression and new arenas for abuse.

Behind every statistic is a woman juggling survival and hope: the student afraid to walk home at night, the homemaker enduring years of emotional abuse, the young professional battling harassment in office corridors. The law may be on her side, but society often isn't.

### **A GLIMPSE BEYOND BORDERS**

Globally, India stands at a crossroads. Having ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), it has pledged to promote gender equality. Yet, countries like Iceland, Sweden, and Norway show how structural reforms paid parental leave, equal representation, and social welfare can transform gender relations more deeply than punitive laws alone.

India's challenge is twofold: ensuring justice when rights are violated, and creating conditions where violations become rare.

### **THE ROLE OF SOCIETY : BEYOND THE STATUTE BOOKS**

Legal reform alone cannot guarantee equality. Real change begins in classrooms, living rooms, and boardrooms.

Education remains the most powerful weapon. When girls stay in school, early marriage declines, and economic independence grows.

Economic empowerment turns protection into power a woman who earns is a woman who can choose.

Cultural narratives too must evolve. Films, media, and literature need to celebrate strength without stereotypes.

Equally vital is the participation of men. Gender equality is not a women's movement alone; it's a human movement. Men must become allies fathers who encourage their daughters, partners who share domestic responsibilities, and colleagues who respect boundaries.

### **NEW FRONTIERS: DIGITAL AND ECONOMIC RIGHTS**

As India moves deeper into the digital age, women's rights have entered new arenas. Cyberstalking, revenge pornography, and online trolling are modern threats that demand fresh legal and technological responses.

At the same time, the digital economy offers unprecedented opportunities from online education to entrepreneurship. Ensuring safe, inclusive digital spaces could be the next frontier of women's empowerment.

Economic independence is another pillar. Despite progress, India's female labour force participation hovers around one-third of men's. Lack of childcare, workplace bias, and unsafe commuting deter countless women. Policies that promote flexible work, equal pay, and financial literacy can convert legal equality into lived equality.

### **THE SPIRIT OF RESISTANCE**

Across India, women are pushing boundaries every day. From tribal villages in Jharkhand to tech companies in Bengaluru, they are teachers, scientists, police officers, farmers, entrepreneurs, and lawmakers. Movements like #MeToo have shown how solidarity can pierce silence. Grassroots collectives are helping survivors of violence rebuild lives with dignity.

These stories prove that empowerment isn't a gift from the State it's an act of claiming. Each woman who speaks up writes a new page in the history of freedom.

### **THE ROAD AHEAD**

So what still needs to be done?

The answers are both simple and complex.

**Stronger enforcement:** Fast-track courts and trained investigators are essential for sensitive handling of crimes.

**Preventive education:** Gender sensitisation must begin in schools and workplaces.

**Political representation:** The long-awaited Women's Reservation Bill can open doors to genuine representation in decision-making.

**Healthcare and safety nets:** Access to healthcare, reproductive rights, and social security strengthen women's autonomy.

**Cultural transformation:** True equality will come only when the idea of women's subordination becomes socially unacceptable not merely illegal.

The goal is not to create a world where women are protected like fragile beings, but one where they are respected as equal citizens.

### **CONCLUSION: FROM PROTECTION TO EMPOWERMENT**

India's journey toward women's rights has been like the monsoon uneven but unstoppable. Laws have poured in steadily, nourishing the soil of justice, even if not evenly across every field. What remains is to make that justice reach every woman in remote villages, bustling cities, and virtual spaces alike.

To protect women is only the beginning; to empower them is the destination. When a woman can walk freely without fear, work without prejudice, and live without apology that will be the true victory of our democracy.

And perhaps one day, when that young woman in the Delhi court no longer needs to clutch her complaint file with trembling hands, we will know that the promises of our Constitution have finally kept their word.

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