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WOMEN'S RIGHTS AND THE SUPPRESSION OF THE INFERIOR SEX

~ *Rekhanshi Vasudev*

In a small town of Uttarakhand in the northern region of India, Bhavika gained consciousness after three days of being on that hospital bed. Her eyes, which once glimmered with ambitions, aspirations, and dreams, now looked hollow with no trace of any hope. She was a victim of the dark patriarchal marriage web which has been running in the name of culture all over India for ages. Thousands of girls like Bhavika keep suffering, accepting the abuse as their destiny.

The purpose of this blog is to discuss how India is a land of extreme contradictions when it comes to its women and their rights and how it has gone through multiple stages of transmissions from pre-colonial, colonial, and independent eras all somehow having one thing in common the fate of women being treated as the inferior sex in society, deprived of free access to rights.

THE NORMALISATION OF ABUSE AGAINST WOMEN IN SOCIETY

Like majority of the girls in India, especially in small towns and villages Bhavika had heard from early adolescence that women have to adjust in a marriage.

Just after 14 days after being married, she was asked by her in-laws for more dowry. She was abused verbally in front of relatives and emotionally exploited for not providing the said gifts. After a few days she was slapped by her in-laws for the first time, making this a continuing spiral followed every day and soon she became a victim of marital rape all while looking like a happy newly married bride. The brutality of that rape is what made her collapse and admit to a hospital.

This is the story of thousands of women in India. A national survey has revealed that the occurrence of sexual violence amongst married women is as high as 17-75% in some parts of the country. The National Family Health Survey-4 shows that between 6.7% to 25% of these

women are victims of spousal sexual abuse.¹ The statistics show that dowry related deaths account to 20% of the deaths in female homicide and over 30% of women have faced physical, sexual or emotional violence by an intimate partner. An estimate of 26,337 rape cases were registered in India in the year of 2025 but research shows that almost 35-71% of the rape cases go unregistered in India, with states like West Bengal not submitting their data to the NCRB due to inconsistency in reporting.²

RIGHTS AND PROVISIONS FOR PROTECTION OF WOMEN AND THEIR UPLIFMENT

Pre-colonial era

Historically, women in the ancient India saw various shifts from them being equally valued and respected, being allowed to study, and become scholars and rishis in the early Vedic era to losing their right of being educated and rise of social evils like sati and child marriage in the later Vedic era. The condition deteriorated during the Mauryan and Gupta periods with an increase of women's dependence on men of the family and problems like the Devadasi system. The depravation of rights and exploitation continued through the Mughal rule as well.³

The Colonial era

Women in the colonial era saw a change in their story due to the advent of westernised education and an upper-class elitist group that started questioning the social situation.

Women like Savitri Bai Phule fought for educational rights of women and Pandita Ramabai who fought for the child remarriage and widows' rights. Women did gain the right to vote in India in 1917 under the Indian National Congress long before the western nations, but the condition of Indian women and their struggles was still something to be frowned upon.⁴

Independent India

After independence the constitution of India provided mandates and articles regarding equality of women in independent India. Fundamental rights like Article 14 (equality before law),

¹ Ramamurthy, D., Lonimath, A., Kannan, S. *et al.* Behind closed doors: national survey insights on sexual violence among ever-married women in India. *Discov Public Health* **22**, 266 (2025). <https://doi.org/10.1186/s12982-025-00667-7>

² Projected rape cases in India 2025: alarming trends by state. indiatatamap.com/2025/08/03.

³ Indian journal of ancient studies and linguistics volume 14; issue:2;2024 the status of woman in ancient India: reverence, constraints, and the impact on society Dr. Krishna Kant Sharma <https://doi.org/10.5281/zenodo.13729691>

⁴ Sociology. Institute exploring the roots and impact of women's moments in colonial India

Article 15 (prohibition of discrimination), Article 16 (equality of employment in public opportunities), Article 21 (protection of life and personal liberty) have been guaranteed under part III of the constitution.

Article 39(a) (equal justice and free legal aid), Article 39(d) (equal pay for equal work), Article 42 (just and humane working conditions and maternity relief), Article 243(d)(3) and 243(t)(3) (Reservation of seats for women in Panchayats and Municipalities.), Article 243 (d)(4) and 243(t)(4) (Reservation of chairperson positions for women), are some constitutional acts that ensure the upliftment of women and equal access to opportunities.

SPECIAL ACTS AND PROVISIONS

Women like Bhavika can be protected and given justice by special laws that are made against these social evils like the Protection of women from domestic violence act (2005)- which protects women from emotional, physical, verbal or sexual violence. Dowry Prohibition Act (1961)- which criminalises giving or receiving dowry before, after or during marriage.

Acts like Equal Remuneration Act (1976)- protects women against gender-based wage discrimination. Maternity Benefit Act (1961)- provides benefits for pregnant women. Medical Termination of Pregnancy Act (1971)- allows legal abortion in special cases.

The recent Supreme Court hearings on matters such as criminalisation of marital rape are crucial for women like Bhavika to have the basic right to exercise control over their body and a 'no' having the same value of refusal whether she's married or not. The larger bench has recognised marital rape as a big constitutional question, examining right to bodily autonomy and balancing institution of marriage and individual autonomy.⁵

Despite these special acts, provisions and rights being guaranteed by the constitution a major chunk of women in India are still not able to access and exercise these rights properly due to the lack of awareness and societal conditions.

In conclusion, the delayed and long judicial procedures and perception that power overpowers the justice weakens the position of women's rights in India. The absence of rights and provisions is not the problem but the social stigma and in access to rights and justice is what makes women's rights an existing myth for many.

⁵ Legalserviceindia.com supreme court judgements strengthening women's rights (2024)