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WOMEN RIGHTS UNDER INDIAN LAW: LAW VS REALITY

By RINKI

ABSTRACT

“A woman should not have to fight for rights that already belong to her”. This blog discusses the struggles faced by women in India despite the existence of constitutional rights under Article 14, 15, 19 and 21 along with landmark judgments such as *Joseph Shine v. Union of India* and *Young Lawyers Association v. State of Kerala*, which challenged discriminatory practices against women. It also highlights issues such as victim-blaming, unequal opportunities, and debates regarding menstrual leave policies. This blog concludes that along with strong laws, proper implementation, awareness, and social change are necessary to ensure true equality and empowerment for women.

KEYWORDS

Women Rights, Equality, Constitutional Rights, Gender Justice, Women Protection Laws, Empowerment, Fundamental Rights, Social Equality, Judicial Decisions.

INTRODUCTION

In a country like India, where women are often worshipped and referred to as goddesses, many women still struggle to receive the respect equality, and dignity they truly deserve. It is widely known that women faced years of discrimination, social injustice, and hardship in their fight for

basic rights and better life¹. Earlier, practices such as child marriage forced young girls to marry at an early age, depriving them of education, freedom, and ²childhood. Many girls were pushed into responsibilities they were emotionally and physically unprepared for, which often resulted in suffering, poor health, and lack of opportunities. In several parts of society, female infanticide and discrimination against girl children further reflected the unequal status of ³women.

Over time, the Constitution of India and various human rights principles played a significant role in recognizing and protecting women's ⁴rights. Several social and legal reforms gradually improved the condition of women in society. The abolition of the Sati System, recognition of widow remarriage, and laws related to the age of consent and child marriage provided relief and protection to countless women and young ⁵girls. These reforms helped women gain access to education, independence, and equal opportunities. Without such legal developments, women might still remain restricted by outdated social practices and inequality.

Although India has made remarkable progress in protecting women through constitutional provisions and legislation, the reality remains different in many households and communities where women still face discrimination, violence and denial of equal ⁶rights. One of the major reasons behind this continuing struggle is the weak implementation of laws, lack of awareness, and deeply rooted patriarchal thinking in society.

CONSTITUTIONAL RIGHTS OF WOMEN IN INDIA

It is widely recognized that the Constitution of India has played a major and most important role in strengthening the rights and status of women in society. Articles 14, 15, 19, and 21 guarantees equality, freedom, and the right to live with dignity, helping women receive equal legal protection and ⁷recognition. These constitutional rights have challenged several discriminatory practices that treated women as inferior or dependent on men.

¹ INDIA CONST.art.14.

² The Prohibition of Child Marriage Act, No.6 of 2007, Acts of Parliament, 2007 (India).

³ Female Infanticide Prevention Act, 1870 (India).

⁴ INDIA CONST.arts.14, 15&21.

⁵ The Commission of Sati (Prevention) Act , No.3 of 1988(India);The Hindu Widows Remarriage Act,No.15 of 1856

(India); The Age of Consent Act, No.10 of 1891 (India).

⁶ INDIA CONST.art.15.

⁷ INDIA CONST.arts.14, 15, 19&21.

An important example is Joseph shine union of India, where the Supreme Court struck down the adultery law and observed that women cannot be treated as object or the property of their husbands⁸. Similarly, in the Indian Young Lawyers Association v. State of Kerala case, the restriction on women's entry into the Sabarimala Temple was challenged because women of a particular age group were considered ⁹impure. The judgment emphasized that religious practices cannot violate the constitutional right to equality and dignity of women.

Despite these legal developments, many women still face discrimination and suppression in everyday life. Greater awareness of constitutional rights can help women raise their voices against injustice and demand equal treatment in society.

IMPORTANT LAWS PROTECTING WOMEN RIGHTS IN INDIA

In India, various laws have been enacted to protect women from violence, discrimination, exploitation, and harassment. Legislations such as the Protection of Women from Domestic Violence Act, 2005 and the Sexual Harassment of Women at Workplace Act, 2013 ensure protection and dignity for women at home and ¹⁰workplaces. Similarly, the Criminal Law (Amendment) Act, 2013 strengthened laws relating to rape and sexual offences by providing stricter punishments and broader protection to ¹¹victims.

Indian Law also recognizes women's rights relating to maternity benefits, equal pay, health, and ¹²safety. In addition, laws such as the Dowry Prohibition Act, the immoral Traffic (Prevention) Act, and the Commission of Sati (Prevention) Act were introduced to eliminate harmful social practices and exploitation faced by women by ¹³years. Although these laws have improved the legal position of women, many still face difficulties due to lack of awareness, social stigma, and weak implementation of laws.

CHALLENGES STILL FACED BY WOMEN

Despite several constitutional and legal protections, many women in India still face inequality and discrimination in everyday life. The major issue today is not the absence of laws, but the

⁸ Joseph Shine union of India, (2019) 3 SCC 39.

⁹ Indian Young Lawyers Association v. State of Kerala, (2019) 11 SCC 1.

¹⁰The Protection of Women from Domestic Violence Act ,No.43 of 2005,Acts of Parliament ,2005(India);The Sexual Harassment of Women at Workplace (Prevention,Prohibition,and Redressal) Act,No.14 of 2013,Acts of Parliament ,2013 (India).

¹¹ The Criminal Law (Amendment) Act, No.13 of 2013 Acts of Parliament, 2013 (India).

¹² Equal Remuneration Act, No.25 of 1976 (India); Maternity Benefit Act, No.53 of 1961 (India).

¹³ The Dowry Prohibition Act, No. 28 of 1961(India);The Immoral Traffic (Prevention)Act,No.104 of 1956 (India);The Commission of Sati (Prevention) Act,No.3 of 1988 ,Acts of Parliament ,1988 (India).

lack of proper implementation and awareness. Even now, many women feel pressured to prove themselves equal to men in order to gain respect in society. Working women are often valued more, while women managing the households are not always given equal recognition despite their contribution to families and society.

The reality is that education or employment alone does not guarantee safety and dignity for women. In many cases, women facing divorce, harassment, or violence treated as a burden, while society questions the victim instead of blaming the ¹⁴accused. In several rural areas, girls are still denied equal opportunities, education, and freedom due to patriarchal thinking and social stigma.

For example discussions regarding menstrual leave policies also reflect the challenges in achieving true equality .While such policies aim to support women's health, some people fear they may negatively affect women's employment opportunities .Therefore, along with strong laws, proper implementation, awareness, and a change in societal mindset are equally necessary to ensure real empowerment and dignity.

CONCLUSION

It can be concluded that women in India have faced countless struggles in order to achieve equality, dignity, and recognition in society. Over the years, various constitutional provisions, laws and judicial decisions have improved the condition of women and changed societal perspectives to some extent. However, true equality is still far from reality in many parts of society. Therefore, along with strong laws, proper implementation, awareness, and a change in societal mindset are necessary to ensure that women receive the respect, safety, and equal opportunities they truly deserve. A woman should not have to fight for rights that already belong to her.

REFERENCES

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3. Statutes

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