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AN OCEAN OF EQUALITY: ANALYZING CONSTITUTIONAL AND STATUTORY RIGHTS OF WOMEN UNDER INDIAN LAW

~ *Shelly Malhotra*

Introduction

The constitutional framework of India serves as a strong advocate for gender equality. It was specifically created to dismantle centuries of patriarchy and social marginalization. When the framers drafted the Indian Constitution, they imagined a society where women would actively participate in political, economic, and social life, rather than just being passive recipients of state protection. The principle of gender equality is deeply rooted in the Indian constitutional ethos, forming a foundational pillar for many progressive laws developed over the years. Today, discussions about women's rights in Indian law have evolved from focusing on basic survival and protection to promoting empowerment, bodily autonomy, and equal opportunities across all aspects of life. This blog looks at the key constitutional guarantees and legal frameworks that uphold women's rights in India, showcasing an ongoing legal evolution aimed at achieving substantial gender justice.

Constitutional Guarantees: The Bedrock of Equality

The primary source of legal power for women in India comes directly from the Constitution. Fundamental Rights, outlined in Part III, provide strong protection against discrimination and require positive state action. Article 14 guarantees equality before the law and equal protection of the laws across India, ensuring uniform treatment. This is further backed by Article 15(1), which explicitly prohibits the State from discriminating against any citizen based on religion, race, caste, sex, or place of birth.

Recognizing that formal equality alone cannot fix historical disadvantages, the framers wisely included Article 15(3). This clause allows the State to create special provisions for women and children, giving constitutional support for affirmative action, welfare programs, and protective laws. Additionally, Article 16 ensures equal opportunity in public employment, allowing women access to job opportunities without discrimination. Supporting these rights are the Directive Principles of State Policy in Part IV, which guide state policy to achieve equal pay for equal work for both men and women (Article 39(d)) and to guarantee humane working conditions and maternity benefits (Article 42).

Key Legislative Frameworks and Protective Laws

Following these constitutional mandates, the Indian Parliament has passed significant laws to shield women from violence, exploitation, and inequality. One key civil remedy against domestic abuse is the Protection of Women from Domestic Violence Act, 2005. This important legislation broadened the definition of "domestic violence" to include emotional, verbal, sexual, and economic abuse, extending protection to wives, biological sisters, mothers, and women in live-in relationships.

In the workplace, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, often called the POSH Act, made it mandatory for organizations to set up Internal Complaints Committees to handle grievances. This law affirms that a woman's right to a safe working environment is a critical part of her right to life and livelihood under Article 21. Furthermore, the Maternity Benefit (Amendment) Act, 2017, increased paid maternity leave from 12 weeks to 26 weeks, positioning India among the most progressive countries concerning maternal labor rights.

In personal law and property, significant improvements were made through the Hindu Succession (Amendment) Act, 2005, which granted daughters equal rights to ancestral property by birth, on par with sons. This effectively challenged long-standing patrilineal and patriarchal property distribution.

Criminal Law Reforms and Contemporary Challenges

The criminal justice system has also seen major changes to tackle serious offenses against women. Following the Criminal Law (Amendment) Act, 2013, enacted after the Justice Verma Committee recommendations, the definitions of sexual offenses in the Indian Penal Code were expanded to include stalking, voyeurism, and acid attacks, along with stricter penalties.

Despite these improved laws, a noticeable gap remains between the law and societal reality. The effectiveness of these laws is often limited by underreporting, social stigma, delays in the judiciary, and a lack of legal knowledge among the general population. Genuine legal empowerment requires ongoing legal education campaigns, gender-sensitivity training for law enforcement, and effective digital solutions to ensure safe, anonymous grievance reporting.

Conclusion

The legal landscape for women's rights in India is strong, featuring a complex system of constitutional protections and specific statutory laws. From ensuring workplace safety to protecting property rights, Indian law has consistently broadened the scope of gender justice. However, the preservation of these rights relies on constant vigilance, public awareness, and a determined effort from all legal participants to close the gap between legal principles and their practical enforcement.

Citations (Bluebook 20th Edition)

1. India Const. art. 14.
2. India Const. art. 15, cl. 1.
3. India Const. art. 15, cl. 3.
4. India Const. art. 16.
5. India Const. art. 39, cl. d.
6. India Const. art. 42.
7. India Const. art. 21.
8. The Protection of Women from Domestic Violence Act, 2005, No. 43, Acts of Parliament, 2005 (India).

9. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14, Acts of Parliament, 2013 (India).
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