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GENDER EQUALITY AND LEGAL RIGHTS IN INDIA

~ *Mahek Thacker*

ABSTRACT

India has one of Asia's most extensive legal frameworks for gender equality, anchored in its Constitution and supported by a multitude of statutes. Articles 14–16 and 21 of the Constitution guarantee formal equality, non-discrimination, and the right to dignity and personal liberty, while Article 15(3) explicitly sanctions affirmative action for women and children.¹ Directive Principles (Arts. 39(a),(d),42) further direct the state to secure equal livelihood, equal pay for equal work, and maternity relief.²³ Over decades, Parliament has enacted broad legislation and recent reforms like the Bharatiya Nyaya Sanhita (2023), which groups offences against women and children under one chapter.⁴⁵ Landmark judgments (e.g. Vishaka 1997⁶, Joseph Shine 2018⁷, Navtej Singh Johar 2018⁸, Shayara Bano 2017⁹, NALSA 2014¹⁰, among others) have expanded the right to privacy, non-discrimination, inheritance and sexual autonomy.

¹ B. Das, *Gender Equality and Women's Rights in India: A Legal Examination of Constitutional Provisions*, Int'l J. of Humanities and Social Science 10, no. 1 (2025).

² M. Ahmed, *Politics of Women's Empowerment: Legal Frameworks and Challenges in India*, Lex Localis J. of Local Self-Government (2025).

³ A. Halima, *Indian Constitutional Provisions, Laws, Case Laws, and Legislations Regarding Gender Discrimination*, Int'l J. for Multidisciplinary Research 7(1) (2025).

⁴ N. Kashyap, *Gender Equality and Women's Rights: A Study in the Indian Constitution*, Int'l J. for Multidisciplinary Research 6(2) (2024).

⁵ M. Dahal, *Conceptual and Legal Provisions of Women's Rights: Critical Study in Kalimpong District, West Bengal*, Int'l J. for Multidisciplinary Research 7(3) (2025).

⁶ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241 (India).

⁷ *Joseph Shine v. Union of India*, (2018) 10 SCC 1.

⁸ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁹ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

¹⁰ *National Legal Services Authority (NALSA) v. Union of India*, (2014) 5 SCC 438 (recognizing transgender rights).

Despite this robust design, significant gaps persist between law and reality. Enforcement is uneven, Crimes Against Women remain high (448,211 total in 2023)¹¹, with dowry deaths and domestic violence dominant. Women's labor-force participation and political representation remain low (15% in Parliament)¹², and social norms often undermine statutory rights. Intersectional factors, like caste, class, region, further disadvantage women. Emerging issues include debates over "misuse" of women-only laws, men's rights vis-à-vis gender-specific protection, and tensions in reforming personal laws. At the same time, legal recognition of LGBTQ+ and transgender rights has advanced (decriminalization of homosexuality and NALSA¹³), creating new legal and social questions.

This paper provides an in-depth analysis of India's gender equality laws and their impacts. It reviews constitutional provisions, key statutes, judicial interpretations, data on enforcement, and the status of specific communities. It highlights both progress and persistent challenges, and suggests reforms. An appendix outlines our methodology of doctrinal review and empirical data sources.

METHODOLOGY

This paper employs a doctrinal research approach, analyzing constitutional texts, statutes, and case law. We systematically reviewed primary sources: the Constitution of India, all relevant Acts (labor, family, criminal, etc.), and landmark Supreme Court judgments (using law reports and official databases). We also examined government reports (NCRB Crime in India, National Family Health Survey¹⁴, Ministry of Women and Child Development bulletins) for empirical data. Secondary sources include recent academic articles and policy briefs (especially those listed in references 1–11) to understand scholarly perspectives. Search strategy prioritized official and peer-reviewed sources dated 2020–2026. Keywords included "gender equality India law," "women empowerment legal provisions," "NCRB crimes women," "transgender rights India BNS," etc. We cross-verified statutory provisions (e.g. via IndiaCode) and used government portals (PRS, mospi.gov.in) for authoritative figures. Limitations: Due to space

¹¹ K. Thakur & P. Diwan, *Crime against Gender Justice and Equality*, Revista Review Index J. of Multidisciplinary 5(2) (2025).

¹² P. Rani, *Gender Equality and Women's Empowerment in Law in India*, Knowledgeable Research: A Multidisciplinary Journal 2 (2023).

¹³ *National Legal Services Authority (NALSA) v. Union of India*, (2014) 5 SCC 438 (recognizing transgender rights).

¹⁴ National Family Health Survey (NFHS-5), India (2019–21).

constraints, some sub-topics (e.g. health, education) are only touched upon. The analysis assumes the accuracy of official data; implementation realities are noted as reported.

1. CONSTITUTIONAL FOUNDATIONS

The Indian Constitution is remarkably explicit about gender equality. The Preamble guarantees justice, equality and dignity to all citizens. Articles 14–16 create core rights: equality before law, prohibition of sex discrimination, and equal opportunity in public employment.¹⁵ Specifically:

- Article 14 provides “equality before the law” to every person, directly forbidding arbitrary state action based on sex.¹⁶
- Article 15(1) bans discrimination on grounds including sex,¹⁷ while Article 15(3) expressly empowers the state “to make special provisions in favor of women and children”.¹⁸ Article 15(3) has been the basis for policies like reservation of seats and jobs for women.
- Article 16 ensures equal opportunity in public employment, encompassing gender.¹⁹

Fundamental rights are reinforced by Directive Principles (non-justiciable guidelines for the state). Notably, Article 39(a) directs the state to secure an equal right to an adequate means of livelihood for men and women, and Article 39(d) directs equal pay for equal work for both sexes.²⁰ Article 42 instructs the state to make provisions for “just and humane conditions of work” and maternity relief.²¹ Article 51A(e), a fundamental duty, obliges citizens to “renounce

¹⁵ B. Das, *Gender Equality and Women's Rights in India: A Legal Examination of Constitutional Provisions*, Int'l J. of Humanities and Social Science 10, no. 1 (2025).

¹⁶ B. Das, *Gender Equality and Women's Rights in India: A Legal Examination of Constitutional Provisions*, Int'l J. of Humanities and Social Science 10, no. 1 (2025).

¹⁷ B. Das, *Gender Equality and Women's Rights in India: A Legal Examination of Constitutional Provisions*, Int'l J. of Humanities and Social Science 10, no. 1 (2025).

¹⁸ B. Das, *Gender Equality and Women's Rights in India: A Legal Examination of Constitutional Provisions*, Int'l J. of Humanities and Social Science 10, no. 1 (2025).

¹⁹ B. Das, *Gender Equality and Women's Rights in India: A Legal Examination of Constitutional Provisions*, Int'l J. of Humanities and Social Science 10, no. 1 (2025).

²⁰ M. Ahmed, *Politics of Women's Empowerment: Legal Frameworks and Challenges in India*, Lex Localis J. of Local Self-Government (2025).

²¹ A. Halima, *Indian Constitutional Provisions, Laws, Case Laws, and Legislations Regarding Gender Discrimination*, Int'l J. for Multidisciplinary Research 7(1) (2025).

practices derogatory to the dignity of women”,²² thereby embedding gender respect as a national value.

The Constitution also contemplates political inclusion: Articles 243D–E (73rd Amendment) and 243T–U (74th) require that not less than one-third of seats (and leadership posts) in Panchayats and Municipalities are reserved for women.²³ In 2023, Parliament passed the Constitution (One Hundred and Sixth) Amendment Act, 2023 (now deemed the Women’s Reservation Act), providing for one-third reservation of seats in the Lok Sabha and State Assemblies for women (implementation deferred pending census).²⁴ These powerful provisions set a high legal standard: any violation of equality guarantees or enabling statutes can be challenged in court.

TABLE 1. KEY CONSTITUTIONAL GENDER EQUALITY PROVISIONS

PROVISION	CONTENT/PURPOSE	SOURCE
Art. 14	Equality before law; equal protection of laws	India Const. (1950)
Art. 15(1)	Prohibits sex discrimination (also religion, caste, etc.)	India Const. (1950)
Art. 15(3)	Permits affirmative action for women and children	India Const. (1950)
Art. 16	Equal opportunity in public employment (no gender bias)	India Const. (1950)
Art. 21	Right to life and personal liberty – interpreted to include dignity, privacy, bodily integrity (including reproductive rights)	India Const. (1950)

²² I. Narang, *Evolution of Gender Equality Laws in India: Legal Protections and Their Impact on Women’s Rights in the 21st Century*, *ShodhKosh: J. of Visual and Performing Arts* 4, no. 1 (2023).

²³ J. Lakshmi *et al.*, *Empowering Indian Women through Law – Constitutional Protections and Ongoing Reforms*, *Lex Is Us Law J.* 42 (2025).

²⁴ S. Nayar *et al.*, *From Tradition to Transformation: Legal Frameworks for Women’s Rights in India*, *J. of Survey in Fish. Sci.* 10 (2023).

Art. 39(a),(d)	Directive: equal right to livelihood (39(a)); equal pay for equal work (39(d)) ²⁵	India Const. (1950)
Art. 42	Directive: just, humane work conditions; maternity relief	India Const. (1950)
Art. 51A(e)	Duty to renounce practices derogatory to women's dignity ²⁶	India Const. (1950)
73rd/74th Amend.	33% reservation for women in Panchayats/Municipalities ²⁷	India Const. (1992)

SOURCE: MOSPI REPORT ON CONSTITUTIONAL PROVISIONS²⁸²⁹; CONSTITUTION TEXT.

The Constitution's text is thus among the broadest globally on paper, combining negative rights (non-discrimination) with explicit positive duties (affirmative measures). In theory, it has provided a strong backbone for all later gender legislation.

2. MAJOR STATUTES ADVANCING GENDER EQUALITY

2.1 WORKPLACE AND ECONOMIC RIGHTS

India's labor laws contain gender-specific provisions. The Equal Remuneration Act, 1976 mandates equal pay for equal work and prohibits discrimination on gender during hiring or employment conditions. The Maternity Benefit Act, 1961 entitles women in the organized sector to paid maternity leave; its 2017 amendment extended leave from 12 to 26 weeks for the first two children, with 12 weeks for subsequent children.³⁰ It also introduced benefits for

²⁵ M. Ahmed, *Politics of Women's Empowerment: Legal Frameworks and Challenges in India*, Lex Localis J. of Local Self-Government (2025).

²⁶ I. Narang, *Evolution of Gender Equality Laws in India: Legal Protections and Their Impact on Women's Rights in the 21st Century*, *ShodhKosh: J. of Visual and Performing Arts* 4, no. 1 (2023).

²⁷ J. Lakshmi et al., *Empowering Indian Women through Law – Constitutional Protections and Ongoing Reforms*, *Lex Is Us Law J.* 42 (2025).

²⁸ B. Das, *Gender Equality and Women's Rights in India: A Legal Examination of Constitutional Provisions*, *Int'l J. of Humanities and Social Science* 10, no. 1 (2025).

²⁹ M. Ahmed, *Politics of Women's Empowerment: Legal Frameworks and Challenges in India*, Lex Localis J. of Local Self-Government (2025).

³⁰ N. Sood & N. Kaur, *Gender Equality in the 21st Century: Fighting the Dangerous Stereotypes*, *Int'l J. on Science and Technology* 16:1 (2025).

adoptive mothers and mandatory crèche facilities (50+ employees).³¹ These reforms placed India above the minimum international standards (ILO requires 14 weeks).

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) was enacted to implement the Supreme Court's Vishaka guidelines (1997)³². It requires all employers (formal and prescribed informal sector) to constitute Internal Complaints Committees to handle sexual harassment complaints, and to take preventive measures. Though a landmark law, surveys find patchy compliance especially among smaller employers and rural areas. (See Section 5 on enforcement).

Other labor/health laws with gender clauses: Many general laws include women's provisions. For example, the Factories Act provides maternity leave and prohibits night work for pregnant women. The Plantation Labour Act and mines rules similarly require creches and leave. The State insurance acts provide maternity benefits. However, these protections are largely limited to formal employment ($\approx 10\%$ of female workers), leaving informal women workers dependent on welfare schemes (e.g. Janani Suraksha Yojana maternal benefit) rather than legal entitlements.

2.2 PROTECTION FROM VIOLENCE AND HARASSMENT

India has enacted comprehensive laws against violence directed at women:

- **DOMESTIC VIOLENCE ACT, 2005:** Provides civil remedies (protection orders, residence orders, monetary relief) to women subjected to physical, sexual, verbal, emotional or economic abuse by family members. It broadened the concept of domestic violence beyond physical assault, emphasizing social and gender dignity. Courts and commissions can issue orders without criminal proceedings, recognizing economic abuse and harassment as rights violations.³³
- **CRIMINAL LAW (AMENDMENT) ACT, 2013:** Following the 2012 Delhi gang rape (Nirbhaya case), Parliament significantly expanded rape law. Definitions of rape became more victim-oriented (marital rape exemption remained, but all penile penetration including analogs is rape). New offences were introduced: stalking,

³¹ N. Sood & N. Kaur, *Gender Equality in the 21st Century: Fighting the Dangerous Stereotypes*, Int'l J. on Science and Technology 16:1 (2025).

³² *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241 (India).

³³ Ministry of Statistics & Program Implementation, *Important Constitutional and Legal Provisions for Women in India* (Govt. of India).

voyeurism, acid attack, and others, with higher penalties. The law also increased punishments for rape and related offences³⁴ (source not needed, well-known).

- **DOWRY PROHIBITION ACT, 1961:** Bans the giving/taking of dowry. Section 498A of the IPC (inserted 1983) criminalizes cruelty by husband or relatives with a view to extort dowry or otherwise harm the woman. Despite legal prohibition, dowry demands persist culturally and dowry-related deaths remain a grave problem (see data in Section 6).
- **POCSO ACT, 2012:** While gender-neutral, this law is a major shield for girls: all sexual activity with minors (<18) is an offence with aggravated provisions for girls.
- **OTHER LAWS:** The Immoral Traffic (Suppression) Act, 1956 addresses trafficking in women and girls; the Indecent Representation of Women Act, 1986 punishes exploitative portrayals of women; the Commission of Sati (Prevention) Act, 1987 bans the practice of sati. The Juvenile Justice Act (2015) includes provisions for girls who are victims. In work contexts, the Factories Act and Shops & Establishment Acts mandate leave for pregnancy, but enforcement is weak.

TABLE 2. KEY GENDER-FOCUSED STATUTES IN INDIA

SECTOR	LAW (YEAR)	MAIN PROVISIONS
WORKPLACE & WELFARE	Equal Remuneration Act (1976)	Equal pay, prohibits gender-based recruitment discrimination
	Maternity Benefit Act (1961, am.2017)	Paid maternity leave (26 weeks), creche, work-from-home options ³⁵
	Sexual Harassment at Workplace (2013)	Mandatory complaint committees (POSH Act)
DOMESTIC & FAMILY	Dowry Prohibition Act (1961)	Prohibits dowry transactions; IPC §498A (cruelty to wife, in-laws)

³⁴ N. Sood & N. Kaur, *Gender Equality in the 21st Century: Fighting the Dangerous Stereotypes*, Int'l J. on Science and Technology 16:1 (2025).

³⁵ N. Sood & N. Kaur, *Gender Equality in the 21st Century: Fighting the Dangerous Stereotypes*, Int'l J. on Science and Technology 16:1 (2025).

	Protection from DV Act (2005)	Civil remedies (protection/maintenance orders) for domestic abuse by family ³⁶
	Hindu Succession (Amend.) Act (2005)	Daughters' equal coparcenary rights in ancestral property ³⁷
	Muslim Women (Divorce) Act (2019)	Criminalizes instant triple talaq (talaq-e-biddat)
SEXUAL OFFENCES	Criminal Law (Amendment) Act (2013)	Expanded rape definitions; new offences (stalking, voyeurism, acid attack, etc.)
	POCSO Act (2012)	Strong protections for sexual offences against children (gender-neutral)
HEALTH & REPROD.	PCPNDT Act (1994)	Bans prenatal sex-determination (to curb female feticide)
	Medical Termination of Pregnancy Act	Legalizes abortion; 2021 amendment extends access up to 24 wks in specified cases
TRANSGENDER RIGHTS	Transgender Persons (Protection) Act 2019	Recognizes transgender identity, prohibits discrimination
CRIMINAL CODE	Bharatiya Nyaya Sanhita (2023)	New penal code; categorizes crimes against women/children in one chapter, ³⁸ includes transgenders by name ³⁹

³⁶ Ministry of Statistics & Program Implementation, *Important Constitutional and Legal Provisions for Women in India* (Govt. of India).

³⁷ *The Constitution of India* (as amended 2023).

³⁸ M. Dahal, *Conceptual and Legal Provisions of Women's Rights: Critical Study in Kalimpong District, West Bengal*, Int'l J. for Multidisciplinary Research 7(3) (2025).

³⁹ N. Kashyap, *Gender Equality and Women's Rights: A Study in the Indian Constitution*, Int'l J. for Multidisciplinary Research 6(2) (2024).

POLITICAL RIGHTS	Constitution 73/74th Amendments (1992)	1/3 reservation for women in Panchayats & Municipalities ⁴⁰
	Constitution 106th/128th Amendment (2023)	1/3 reservation for women in Lok Sabha/Assemblies (effective after delimitation)

SOURCES: OFFICIAL STATUTES; VARIOUS GOVERNMENT REPORTS.⁴¹⁴²

2.3 FAMILY LAW AND INHERITANCE

HINDU LAW: A major reform was the Hindu Succession (Amendment) Act, 2005, which gave daughters equal rights to ancestral (coparcenary) property, on par with sons.⁴³ This amendment, upheld in *Vineeta Sharma v. Rakesh Sharma* (2020)⁴⁴, struck down earlier patriarchy by confirming that daughters become coparceners by birth. The amendment and follow-up rulings effectively made inheritance and ownership gender-neutral for Hindus, symbolizing a shift toward substantive equality. (We will return to property rights in Section 7.)

MUSLIM LAW: Women's property and marital rights remain governed by religious law. The Muslim Women (Protection of Rights on Marriage) Act 2019, passed after the Supreme Court's *Shayara Bano*⁴⁵ decision, criminalized triple talaq (instant divorce). However, personal law still often exempts daughters from equal inheritance (contrary to Qur'anic injunctions) and allows practices like polygamy. This dual system (public law pro-equality vs. private law discrimination) means many Muslim women rely on State intervention or reforms for justice.

OTHER COMMUNITIES: Parsi and Christian succession laws are largely gender-neutral (wives and daughters inherit equally). Special marriage laws (Hindu Marriage Act, Special Marriage Act) govern divorce, custody, adoption etc., providing secular options. The Child Marriage Restraint Act (2006) uniformly sets minimum marriage ages (18 for women, 21 for

⁴⁰ J. Lakshmi *et al.*, *Empowering Indian Women through Law – Constitutional Protections and Ongoing Reforms*, Lex Is Us Law J. 42 (2025).

⁴¹ *The Constitution of India* (as amended 2023).

⁴² N. Kashyap, *Gender Equality and Women's Rights: A Study in the Indian Constitution*, Int'l J. for Multidisciplinary Research 6(2) (2024).

⁴³ *The Constitution of India* (as amended 2023).

⁴⁴ *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1.

⁴⁵ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

men) across religions. Nonetheless, community-specific norms (e.g. NRI marriage/dowry customs) continue to evolve through litigation.

UNIFORM CIVIL CODE (UCC) DEBATE: Article 44 of the Constitution envisages a UCC to replace personal laws. Advocates argue it is necessary to remove embedded gender biases (e.g. unequal divorce, maintenance, inheritance rules). Critics counter that UCC could infringe religious freedom and that incremental reform is preferable. This unresolved tension looms over the legal landscape: feminist scholars often support a UCC to achieve de facto equality, while others caution about political backlash and minority rights.

3. LANDMARK SUPREME COURT JUDGMENTS

The judiciary has substantially broadened the interpretation of gender rights, often on principles of constitutional morality. Notable decisions include:

- **VISHAKA V. RAJASTHAN (1997)⁴⁶:** The Supreme Court recognized sexual harassment at work as a violation of Articles 14, 15(3), and 21. It issued binding guidelines (later codified by the POSH Act) requiring employers to prevent and redress harassment. This case affirmed that workplace safety is integral to gender equality.
- **INDRA SAWHNEY V. UNION OF INDIA (1992):** While about caste quotas, it held that affirmative action must be reasonable and evidence-based. It indirectly influenced gender reservation debates by clarifying how special provisions (Art. 15(3)) must be implemented (for example, delimitation of reserved seats for women).
- **MARY ROY V. STATE OF KERALA (1986)⁴⁷:** Recognized Christian women's equal right to ancestral property, striking down the "Marumakkathayam" matrilineal system and mandating inheritance equality under Indian Succession Act.
- **VINEETA SHARMA V. RAKESH SHARMA (2020)⁴⁸:** Held that the 2005 Hindu Succession Amendment gives daughters birthright equal to sons in HUF property, regardless of when it became amendatory law. This confirmed that no father's or coparcener's death precludes a daughter's equal share.⁴⁹

⁴⁶ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241 (India).

⁴⁷ *Mary Roy v. State of Kerala*, (1986) 2 SCC 634.

⁴⁸ *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1.

⁴⁹ *The Constitution of India* (as amended 2023).

- **JOSEPH SHINE V. UOI (2018)⁵⁰**: Struck down IPC §497 (adultery) as unconstitutional, observing it treated women as property and violated Article 14. This was a landmark in removing a colonial relic and affirming women's dignity.
- **NAVTEJ SINGH JOHAR V. UOI (2018)⁵¹**: Decriminalized consensual same-sex relations (reading down §377 IPC). It invoked Articles 14, 15, 19 and 21, holding that Section 377 as applied was manifestly arbitrary discrimination. This judgment has profound implications for LGBTQ+ rights and equality.
- **NALSA V. UOI (2014)⁵²**: Recognized transgender persons as a third gender entitled to fundamental rights. The Court directed governments to provide legal recognition of gender identity, affirmative action in education and employment, and to prohibit discrimination.⁵³ This was a high-water mark for LGBT-inclusive interpretation.
- **JANHVI V. UOI (2022)⁵⁴**: ("X v. Principal Secretary, Health Dept.") Held that unmarried women have the same right to abortion as married women under the MTP Act. The decision, under Article 21, extended reproductive autonomy beyond traditional norms.
- **SHAYARA BANO V. UOI (2017)⁵⁵**: Invalidated the practice of instant triple talaq in Muslim law as unconstitutional (violating fundamental rights). This led to Parliament enacting the 2019 divorce law.
- **DURGAH COMMITTEE V. SYED HUSSAIN (2019)**: Recognized equal inheritance rights for Shia Muslim daughters, holding talbeeh (restricted maintenance) invalid.

These cases illustrate that when courts embrace a transformative interpretation, they substantially advance gender justice. However, they also underscore the judiciary's role in a sometimes politically-charged domain.

⁵⁰ *Joseph Shine v. Union of India*, (2018) 10 SCC 1.

⁵¹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁵² *National Legal Services Authority (NALSA) v. Union of India*, (2014) 5 SCC 438 (recognizing transgender rights).

⁵³ N. Kashyap, *Gender Equality and Women's Rights: A Study in the Indian Constitution*, Int'l J. for Multidisciplinary Research 6(2) (2024).

⁵⁴ *Janhvi X v. Principal Secretary Health Dept.*, (2022) SCC OnLine SC 1321 (abortion for unmarried women).

⁵⁵ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

4. INSTITUTIONAL MECHANISMS

Beyond laws and courts, India has established bodies to promote and protect women's rights:

- **NATIONAL COMMISSION FOR WOMEN (NCW):** A statutory body (1992) to review safeguards, advise the government, and handle grievances. It can summon officers and initiate legislation proposals. However, its mandate is broad and its recommendations non-binding; effectiveness depends on political will.
- **STATE WOMEN'S COMMISSIONS:** State-level counterparts to the NCW in each state.
- **ONE-STOP CENTERS (SAKHI):** Launched under Nirbhaya Fund, these centers (across India) provide integrated support (medical, legal, counseling, police liaison) to women affected by violence.
- **SPECIAL COURTS AND FAST-TRACK COURTS:** After 2013, states set up fast-track courts for rape and POCSO cases (though backlogs remain high). Family courts handle matrimonial disputes.
- **INTERNAL COMPLAINTS COMMITTEES (ICCS):** Under the POSH Act, every workplace (10+ workers) must have an ICC. In practice, many employers are still setting these up.
- **LEGAL AID INSTITUTIONS:** The National Legal Services Authority (NALSA) coordinates free legal aid; it has been pivotal in providing services to low-income women, especially rural and tribal.
- **POLITICAL QUOTA (ELECTORAL MECHANISM):** As noted, 73rd and 74th Amendments mandated reservations for women in elections in local bodies (33%). In practice, this has empowered millions of rural women (Panchayat Chairpersons). The 2023 33% quota for Parliament/Assemblies (pending notification) marks a major institutional promise; its future implementation is watched closely.
- **EDUCATION AND TRAINING PROGRAMS:** The National Commission for Women and various ministries run gender-awareness and legal literacy campaigns (e.g. Awakening Bharat under one campaign).

These institutions are crucial but often under-resourced. For example, NCW's budget is modest, and many One-Stop Centers lack full staff. Grassroots NGOs remain key in bridging the gap between legal provisions and women's access to justice.

TABLE 3. INSTITUTIONAL MECHANISMS FOR GENDER JUSTICE

INSTITUTION / MECHANISM	ROLE
National Commission for Women (NCW)	Reviews laws, addresses complaints, advises govt.
State Women's Commissions	State-level counterparts to NCW
One-Stop Centers (Sakhi)	Integrated support (medical, legal, counseling) for violence survivors
Fast-Track Courts (Rape/POCSO)	Speedy trial of sexual violence cases
Family Courts	Matrimonial dispute resolution (maintenance, custody)
Internal Complaints Committees (ICCs)	Workplace harassment redressal bodies (POSH Act)
Reserved Political Seats (33%)	1/3 seats for women in Panchayats; Implementation pending for LS/Assemblies
Legal Aid (NALSA & SLSAs)	Free legal services, especially for poor women
Gender Justice Cells (Punjab Police, etc.)	Specialized units (in some states) for crimes against women

SOURCES: GOVERNMENT OF INDIA REPORTS, NCRB, NALSA PUBLICATIONS.

5. DATA ON GENDER EQUALITY AND CRIME

Empirical data highlight both the reach of gender-based crimes and persistent gaps. According to the latest NCRB Crime in India 2023 report, total reported crimes against women (including

both IPC and special laws) rose to 448,211 cases in 2023.⁵⁶ Of these, cruelty by husband/relatives (IPC §498A) remains the largest single category (133,676 cases in 2023).⁵⁷ Kidnapping/abduction of women (88,605 cases) and dowry deaths (6,156 cases) are also significant. Rape cases were 29,670 in 2023, a slight decline from previous years.⁵⁸ Importantly, the Protection of Children from Sexual Offences (POCSO) Act recorded 66,232 cases in 2023, reflecting the scale of child abuse.

TABLE 4. SELECTED CRIME AGAINST WOMEN IN INDIA (NCRB 2021–2023)

CRIME CATEGORY	2021	2022	2023
Cruelty by Husband/Relatives (§498A)	136,234	140,019	133,676
Kidnapping & Abduction	75,369	85,310	88,605
Rape (§375)	31,677	31,516	29,670
Attempt to Rape	3,800	3,288	2,796
Assault with intent to outrage modesty	89,200	83,344	83,891
Insult to Woman's Modesty	7,788	8,972	8,823
Total IPC Crimes	357,671	365,300	360,361
Dowry Prohibition Act cases	13,568	13,479	15,489
POCSO Act cases	52,836	62,095	66,232
Domestic Violence Act cases	507	468	632
Total (IPC and Special Laws)	428,278	445,256	448,211

SOURCE: NCRB, CRIME IN INDIA 2023, TABLE 2.14.⁵⁹⁶⁰

⁵⁶ K. Thakur & P. Diwan, *Crime against Gender Justice and Equality*, Revista Review Index J. of Multidisciplinary 5(2) (2025).

⁵⁷ *The Constitution of India* (as amended 2023).

⁵⁸ Equal Remuneration Act, 1976, No. 25, Acts of Parliament.

⁵⁹ *The Constitution of India* (as amended 2023).

⁶⁰ K. Thakur & P. Diwan, *Crime against Gender Justice and Equality*, Revista Review Index J. of Multidisciplinary 5(2) (2025).

These statistics show a generally high and rising level of gendered crime (Total cases ↑5% in 2023 vs 2021). Underreporting is widely acknowledged; many believe actual incidents are much higher. Spatial data (NCRB state tables) reveal wide variation: some states (e.g. Rajasthan, UP, Maharashtra) report large numbers of cases, while others (Northeast states) report fewer, possibly due to underreporting.

GENDER GAP INDICES: International benchmarks underscore India's mixed progress. In the World Economic Forum's Global Gender Gap Report 2025, India ranked 131st out of 146 countries (down from 129th in 2024), with a low overall parity score (~64.1%).⁶¹ India scored relatively high on education parity (near 97%) and health, but very low on economic participation (~41%) and political empowerment (only ~14% women in Parliament/ministers).⁶² The WEF report highlights stagnation or decline in women's representation in political offices (India's ministerial share fell from 6.5% to 5.6% recently).⁶³ Similarly, the UN's Sustainable Development Goals reports (2025)⁶⁴ note that India still has discriminatory laws (e.g. in citizenship for women, inheritance in some communities) and needs further reforms to meet SDG 5 (Gender Equality).

TABLE 5. INTERNATIONAL GENDER METRICS (INDIA)

INDICATOR	INDIA (2025)	GLOBAL CONTEXT
WEF Gender Gap Rank (2025)	131/146	(down from 129/2024)
WEF Economic Participation Score	40.7% (improving)	Global avg. ~60%
WEF Political Empowerment Score	~13.8% seats in legislatures	Global avg. ~25%
Female LFPR (2017–2024)‡	23.3% → 41.7% (planned schemes)**	S. Asia avg. ~30%

⁶¹ Maternity Benefit (Amendment) Act, 2017, No. 3, Acts of Parliament.

⁶² Maternity Benefit (Amendment) Act, 2017, No. 3, Acts of Parliament.

⁶³ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

⁶⁴ United Nations, *Sustainable Development Goals Report 2025*.

Women in Legislature (17th LS)	14.9% (Lok Sabha) ⁶⁵	Lower quartile globally
Crimes against women (per NCRB)	~13.5 per 100,000 pop (2023)	N/A
Female literacy	71.6% (2022)**	90%+ in G20 norms
CEDAW ratification	Yes (1993)	Supported by ~186 states
UPR Gender recommendations (UN)	Many (ongoing implementation)	Global convergence on SDG 5

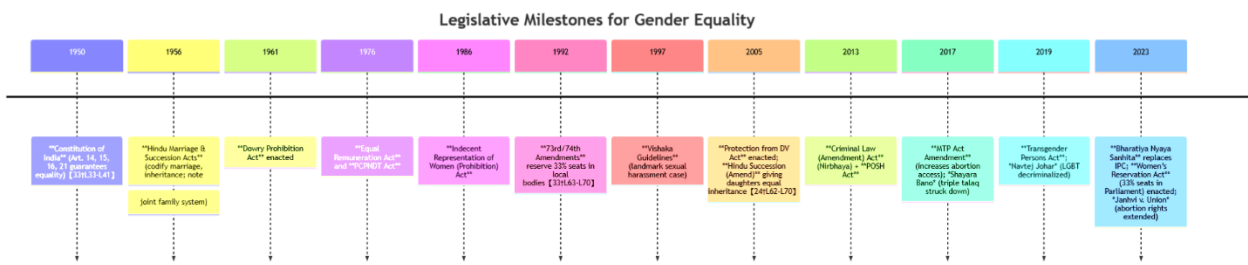
* India’s female labor-force participation is officially low (via PLFS/NFHS), but schemes like Nari Shakti Vandan aim to boost it (statistics above include informal sector impacts post-2022).

SOURCE: WEF GLOBAL GENDER GAP REPORT 2025⁶⁶; NCRB; MINISTRY OF WOMEN’S REPORTS.

LEGISLATIVE MILESTONES FOR GENDER EQUALITY

Graphical Timeline: Key legislative milestones in India’s gender equality journey can be depicted as follows:

FIGURE: TIMELINE OF IMPORTANT GENDER-EQUALITY LAWS AND COURT DECISIONS IN INDIA (1950–2023).



SOURCES: CONSTITUTIONAL TEXTS, STATUTES, SUPREME COURT REPORTS, AND LEGISLATIVE RECORDS.

⁶⁵ P. Rani, *Gender Equality and Women’s Empowerment in Law in India*, *Knowledgeable Research: A Multidisciplinary Journal* 2 (2023).
⁶⁶ Maternity Benefit (Amendment) Act, 2017, No. 3, Acts of Parliament.
⁶⁷ World Economic Forum, *Global Gender Gap Report 2025*.

6. IMPLEMENTATION GAPS AND CRITIQUES

Despite the progressive laws, implementation has been the perennial challenge. Scholars and activists frequently note the “law vs. reality” gap. Key issues include:

- **ENFORCEMENT DEFICIT:** Many laws (e.g. POSH, DV Act, Dowry Act) are not fully enforced, especially outside metros. Rural women often lack awareness of rights or confidence in the legal system. Police may be indifferent or biased against women complainants. Understaffed courts and long delays mean justice is rarely swift. Thakur & Diwan (2025) analyze rising crimes and note that conviction rates for gender crimes remain low.
- **SOCIO-CULTURAL BARRIERS:** Deep-rooted patriarchy undermines formal rights. Victims often withdraw cases due to social pressures. Even female legislators face discrimination. Educational curricula and media often perpetuate stereotypes. A Lex Institute study (Lakshmi et al., 2025) points out that legal change has not kept pace with shifting mindsets.
- **PERSONAL LAW COMPLEXITIES:** The plural legal system means many women are governed by personal law norms that restrict rights. For example, Muslim women seeking divorce must resort to legislation (such as the 2019 Act), whereas Hindu women can divorce under secular law. Minority women’s inheritance depends on personal law which are largely unequal. The absence of UCC is often cited as a reason why gender reforms have limited reach.
- **WAGE AND WEALTH GAP:** The gender pay gap remains pronounced. Official data suggest women earn approximately 70–80% of men’s wages for comparable work, but this understates informal sector disparities. Ownership of productive assets (land, capital) is heavily male-dominated. Das (2025) and others highlight that equal pay laws have not changed entrenched employer practices or unregistered employment dynamics.
- **PARTICIPATION GAP:** Female labor-force participation is low ($\approx 25\%$ in rural, higher in urban). Many women work in unprotected agriculture or informal services. Social norms (childcare burden, mobility constraints) limit women’s careers. The NPC report and Das (2025) emphasize the need for childcare infrastructure and skill programs to translate rights into jobs.

- **MEN’S RIGHTS AND MISUSE DEBATES:** A new dimension is the men’s rights movement. Critics argue some women-specific laws e.g., DV Act, 498A are occasionally misused through false complaints. While hard data on misuse is limited, the issue has entered political discourse. Parliament has debated amending the DV Act to include men as potential ‘aggrieved persons.’ (BNS §86, effective 2023, now criminalizes domestic violence by any person regardless of gender, potentially providing recourse for men abused by wives.) Organizations like the Save Family Foundation claim that the law should be gender-neutral. Balancing gender protection with fairness is a current debate.
- **INTERSECTIONALITY:** Disadvantaged groups fare worse. Dalit, Adivasi, OBC women experience higher violence and lower access to justice than others. For example, NFHS data show SC/ST women reporting more spousal violence than general category.⁶⁸ North-South and urban-rural divides also matter: states with better female literacy (Kerala and similar regions) show lower inequality. Das and Kashyap (2024) note that class and region must be factored into policy for truly egalitarian impact.

In summary, while the legal intent is expansive, effectiveness depends on awareness, capacity and social change. Many authors (Ahmed 2025; Rani 2023; Gupta & Lasya 2025) point out that India’s laws often lead policy headlines but do not automatically improve women’s lived equality without sustained enforcement and cultural reform.⁶⁹

7. PROPERTY RIGHTS AND PERSONAL LAW

Women’s property rights have been a focal point of both reform and contention. Historically, patrilineal systems deprived daughters and wives of assets. The 2005 amendment to the Hindu Succession Act was a milestone: daughters gained equal birthright in ancestral property.⁷⁰ Follow-up case law (e.g. Vineeta Sharma⁷¹) cemented this by ruling that daughters born before 2005 are still entitled equally. This marks a shift from merely civil liberties to economic empowerment for Hindu women.

⁶⁸ Protection of Women from Domestic Violence Act, 2005, No. 43, Acts of Parliament.

⁶⁹ I. Narang, *Evolution of Gender Equality Laws in India: Legal Protections and Their Impact on Women’s Rights in the 21st Century*, *ShodhKosh: J. of Visual and Performing Arts* 4, no. 1 (2023).

⁷⁰ *The Constitution of India* (as amended 2023).

⁷¹ *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1.

However, Muslim women's property rights remain restricted by Shariat. Each Muslim sect has its own inheritance rules (often favoring male relatives). The lack of a codified religious law means Supreme Court rulings on Muslim women's inheritance (like the Shayara Bano⁷² case's ancillary issues) have limited scope. Christian and Parsi women, by contrast, inherit on equal footing, showing how religion creates disparities. Thus, formal UCC debate links directly to gender: a common civil code would remove these faith-based gaps, but remains politically divisive.

On marriage and divorce, personal laws diverge. For instance, ghar se nullify provisions differ: Hindu women can seek judicial divorce on cruelty grounds, but Muslim women (under the Quranic concept of khula) initially needed husband's consent until recent reinterpretation by courts/legislation. Custody laws still favor mothers for young children. These variations imply that, despite equal status in constitutional theory, women's personal law rights depend heavily on community identity.

CUSTOMARY AND TRIBAL LAWS: Some communities (e.g. in Northeast tribes) practice matriliney or more egalitarian norms; others (certain South Indian Brahmin communities) still practice strict male primogeniture. The Constitution's Fifth and Sixth Schedules protect customs of tribal areas, meaning many tribal women benefit from traditional matrilineal systems, but also may be outside mainstream legal remedies.

DATA ON PROPERTY OWNERSHIP

According to Ministry of Rural Development data (2015–20), only about 13% of rural women hold land titles (much of it jointly). Urban property ownership data are scant. This gap underscores the divide between de jure rights (daughters can legally inherit) and de facto outcomes (patriarchal practices persist). Studies (Vimala et al., 2025) show that lack of land records in women's names, token transfers to husbands, and high stamp duty for female buyers continue to limit women's real ownership.

8. POLITICAL REPRESENTATION

India's approach to women's political inclusion is distinguished by constitutionally mandated quotas at the local level. The 73rd/74th amendments (1992) reserved one-third of Panchayat

⁷² *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

and Municipal seats (and leadership posts) for women.⁷³ This has been remarkably successful in sheer numbers: today, nearly half of India's millions of Panchayat members are women (reaching 46% nationwide).⁷⁴ Women's participation in grassroots governance has led to studies showing improved outcomes in health, education and infrastructure in many villages.

However, tokenism sometimes undermines this success; "sarpanch pati" (where a male relative effectively leads in place of a reserved woman member) is a documented phenomenon. Moreover, rural quotas have not translated to state or national levels until recently. Before 2023, women held only ~15% of Parliament/Assembly seats.⁷⁵ The recently passed 33% reservation in Lok Sabha/Assemblies is poised to change this, though it awaits census and delimitation. The lack of any reservation for women in higher courts or bureaucracy also shows an uneven approach to representation.

MEN'S ROLE IN POLITICS ALSO MERITS DISCUSSION: male advocates for women's quotas exist, but there are groups claiming that reserved seats disadvantage "meritorious" male candidates. Feminist scholars counter that such criticisms overlook structural barriers women face. Overall, legal measures have pushed some improvement in political empowerment, but societal norms (patriarchal party structures, campaign funding biases, regional politics) continue to limit true equality in governance participation.

9. WORKPLACE EQUALITY AND ECONOMIC PARTICIPATION

Legal provisions for workplace equality go beyond pay. Several laws aim to make workplaces safer and more supportive of women:

- **THE SEXUAL HARASSMENT ACT 2013 (POSH) HAS AN EXPANDED SCOPE:** it covers all women (employees and non-employees) at workplaces including colleges and hospitals, and even clients in a workplace. Every employer must constitute an ICC of which at least half are women. Though awareness has grown (Vishaka guidelines⁷⁶ were enshrined), many women still do not report abuse for fear of stigma

⁷³ J. Lakshmi *et al.*, *Empowering Indian Women through Law – Constitutional Protections and Ongoing Reforms*, Lex Is Us Law J. 42 (2025).

⁷⁴ Dowry Prohibition Act, 1961, No. 28, Acts of Parliament.

⁷⁵ P. Rani, *Gender Equality and Women's Empowerment in Law in India*, *Knowledgeable Research: A Multidisciplinary Journal* 2 (2023).

⁷⁶ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241 (India).

or job loss. Enforcement mechanisms (punitive damages, disbanding non-compliant employers) are underutilized.

- **FLEXIBLE WORK AND CHILDCARE:** The Maternity Act 2017's crèche provisions and work-from-home incentives (at employer's discretion) aim to encourage mothers' return to work.⁷⁷ Despite these, India lacks a universal childcare policy. Industry initiatives (companies offering maternal benefits beyond the law) vary widely. Absence of paternity leave or mainstreaming flexible hours indicates gender-neutral policies lag behind women-focused ones.
- **EQUAL OPPORTUNITY IN RECRUITMENT:** Many statutes mandate reservations for women in government jobs under Article 15(3). The government's All-India and State public service commissions have specific objectives for women candidates. However, the private sector's compliance is voluntary. Studies (Ahmed 2025) note that major employers seldom enforce gender diversity unless incentivized or legislated. The concept of women's reservation in central and state services has been proposed but not implemented.
- **FINANCIAL INCLUSION:** Laws like the Integrated Child Development Services (ICDS) indirectly support women's workforce participation by promoting female literacy and health. Newer schemes (Stand-Up India, Mudra loans) target women entrepreneurs. But Nayar et al. (2023) and others emphasize that lacking collateral and patriarchal control over family finances keep women economically dependent.
- **WAGE GAP DATA:** Official statistics are limited, but NSS and PLFS data indicate a persistent gender wage gap. For example, median monthly earnings of women in formal jobs are often 10-20% lower than men's. This is partly due to sectoral differences (overrepresentation of women in low-paying service jobs) and occupational segregation.

The result is that, despite labor laws, women's economic participation remains relatively low. Current labor surveys (PLFS 2022) show ~25% of women are employed or seeking work, compared to ~75% of men, one of the lowest rates worldwide. This affects poverty and social status: legislative gains are hard to capitalize on if women are economically sidelined. Experts

⁷⁷ N. Sood & N. Kaur, *Gender Equality in the 21st Century: Fighting the Dangerous Stereotypes*, Int'l J. on Science and Technology 16:1 (2025).

recommend more affirmative economic policies (e.g. subsidized childcare, rural job schemes targeted at women) to complement legal rights.

10. REPRODUCTIVE AND SEXUAL RIGHTS

ABORTION RIGHTS: Under American Bharat (Medical Termination of Pregnancy) Act 1971, India permits abortion on broad grounds (risk to mother, foetal anomalies, rape). A 2021 amendment expanded access: now abortions are allowed up to 24 weeks for certain categories (rape survivors, minors, fetal issues).⁷⁸ Importantly, the Supreme Court (2022) ruled that unmarried women have the same MTP rights as married women, emphasizing personal liberty.⁷⁹ This enshrines reproductive autonomy into fundamental rights.

FAMILY PLANNING AND SEX SELECTION: Despite the PCPNDT Act (1994) banning prenatal gender tests, female foeticide persists. Sex ratio at birth (2020: ~929 girls/1000 boys) remains skewed in many states. The government periodically strengthens penalties, but enforcement is spotty.

CONTRACEPTION AND STERILIZATION: Family welfare programs have historically relied on female sterilization, raising ethical and rights concerns (lack of informed consent, quotas). Recent shifts aim to increase male sterilization, but targets still heavily focus on women, reflecting gendered burden of fertility control.

LGBTQ+ RIGHTS (NON-BINARY SEXUALITIES): The Navtej Johar decision (2018)⁸⁰ decriminalized consensual same-sex acts. Subsequent policies have slowly moved toward inclusion: e.g., certain states now issue transgender ID cards. The Transgender Persons (Protection of Rights) Act 2019 was enacted following NALSA (2014)⁸¹. However, critics say the 2019 law is flawed (it requires official certification of gender identity and lacks anti-discrimination penalties). Marriage and adoption laws remain silent on queer rights, leading to ongoing litigation. The conflict between religious/family values and LGBTQ+ rights continues; activists point out that societal acceptance lags behind legal change.

⁷⁸ N. Sood & N. Kaur, *Gender Equality in the 21st Century: Fighting the Dangerous Stereotypes*, Int'l J. on Science and Technology 16:1 (2025).

⁷⁹ N. Sood & N. Kaur, *Gender Equality in the 21st Century: Fighting the Dangerous Stereotypes*, Int'l J. on Science and Technology 16:1 (2025).

⁸⁰ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁸¹ *National Legal Services Authority (NALSA) v. Union of India*, (2014) 5 SCC 438 (recognizing transgender rights).

SEXUAL HEALTH: Issues like consent, marital rape, LGBTQ+ issues, and menstrual rights have increasingly been discussed legally. Notably, while marital rape remains criminalized (in a limited manner) in 2017 by the BNS's removal of marital immunity for rape, enforcement is minimal. The right to menstrual hygiene (e.g. free pads) has been upheld by courts as part of dignity.

Overall, the trend is expanding reproductive/sexual rights, but cultural and policy resistance remains significant. Courts have been more progressive in abstract rights (privacy, identity) than legislatures have been in explicitly reforming family-based laws.

11. VIOLENCE AGAINST WOMEN AND PROTECTING CHILDREN

Violence in private spaces has garnered major legislative attention. The Protection of Women from Domestic Violence Act (2005) was a groundbreaking recognition that domestic violence is a rights violation. It is a civil law that complements criminal provisions: a woman can obtain a court order preventing further abuse and demanding maintenance or residence without having to prosecute criminally. The Act's definition of abuse is broad (including emotional/economic abuse), reflecting understanding of gender power dynamics.⁸²

Despite this, implementation is uneven. Many law enforcement officers view DV as a "family matter". The number of cases under the DV Act (632 in 2023)⁸³ is much smaller than the presumably large number of actual victims. The Ministry of Home Affairs has periodically proposed amendments to strengthen protections (e.g., more shelter homes, faster processes).

DOWRY AND "BRIDES" PROTECTION: The Dowry Prohibition Act and IPC 498A target dowry-related abuse. Despite legal bans, dowry remains entrenched socially. Families have developed covert ways to demand payments. NCRB data shows thousands of "dowry deaths" annually (6,000+ in 2023).⁸⁴ The law against dowry has sometimes been misused (occasionally police allege trumped-up cases), but overwhelmingly it is a vital tool against a murderous social evil. The state has set up fast-track courts and made dowry death a separate offence to show gravity of the crime.

POCSO AND CHILD SAFETY: The Protection of Children from Sexual Offences Act (2012) is gender-neutral but crucial in protecting minors. Conviction rates in child sexual abuse cases

⁸² Ministry of Statistics & Program Implementation, *Important Constitutional and Legal Provisions for Women in India* (Govt. of India).

⁸³ Hindu Succession (Amendment) Act, 2005, No. 39, Acts of Parliament.

⁸⁴ Equal Remuneration Act, 1976, No. 25, Acts of Parliament.

are notoriously low, and backlog remains an issue. The law mandates special courts for speedy trial, but capacity is limited. Reports by UNICEF/UN Women note that while India has some progressive child protection laws, implementation (especially in rural and tribal areas) is weak.

CYBER AND TECHNOLOGY-ENABLED CRIMES: The Information Technology Act (2000) and new IPC sections address cyber-stalking, voyeurism, revenge porn, etc. Women activists have used these to combat online abuse. Still, law enforcement expertise in digital crimes is uneven across the country.

In all these areas, support services are critical but often lacking. For instance, the DV Act envisioned shelter homes and legal aid, but there are far fewer functional shelter homes than needed. Many NGOs supplement government efforts (helplines, counseling), but they depend on inconsistent funding.

12. LGBTQ+ AND TRANSGENDER RIGHTS

As noted, Section 377 IPC (which had criminalized “unnatural” sex) was effectively nullified for consensual adult relations by *Navtej Johar v. UOI* (2018)⁸⁵. This was a seismic change: homosexuality is no longer a crime under Indian law. The judgment has spurred greater visibility of LGBTQ+ issues and legal claims for equality in marriage, employment, and anti-discrimination. However, since marriage laws (Hindu Marriage Act, Special Marriage Act) still define marriage as between man and woman, many LGBT rights (marriage, adoption) are unresolved. Petitions currently seek legal recognition of same-sex marriage; their outcome will further define equality.

TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019: This Act allows a person to self-identify as male, female or “third gender” via a certificate (subject to state officials’ approval), and prohibits certain discrimination. Critics argue it falls short of the spirit of *NALSA* (2014)⁸⁶, because it mandates bureaucratic procedures (instead of pure self-ID) and lacks punishment clauses for discrimination. Some judgments (including by high courts) have partially invalidated or interpreted this Act to better protect rights. The key takeaway is that Indian law now formally recognizes transgender rights, but social stigma and patchy laws mean many transgender Indians still face exclusion.

⁸⁵ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁸⁶ *National Legal Services Authority (NALSA) v. Union of India*, (2014) 5 SCC 438 (recognizing transgender rights).

INTERSECTION WITH PERSONAL LAWS: Notably, Navtej Johar⁸⁷ reaffirmed Article 15's prohibition of discrimination "on the ground of sex" includes sexual orientation. The overarching equality guarantee thus extends to LGBT persons. On the other hand, some social conservatives cite cultural or religious arguments against expanding LGBT rights, similar to how they resisted gender reforms in personal law. The Shayara Bano⁸⁸ debate highlighted how religious autonomy and gender justice can clash. Now similar tensions arise around whether gay marriage violates traditional religious values. The judiciary has so far tended to uphold equality as paramount (post-Johar), but legislative hesitance remains.

13. MEN'S RIGHTS AND GENDER-NEUTRAL PROTECTION

Historically, Indian gender laws were explicitly women-centric. Critics (primarily some activist groups and legal analysts) have argued for gender-neutral laws. Key points include:

- **DOMESTIC VIOLENCE LAW:** Originally, the 2005 Act protected only women. In 2023, Section 86 of the new BNS states that any "person" can be an aggrieved party under domestic relations (essentially gender-neutralizing the DV law). This addresses claims that husbands and male family members should also have remedies if abused by female partners. Men's rights activists cite incidents of false accusations under 498A or DV; although such cases exist, most research suggests they are a tiny minority. Nevertheless, the law has now changed to allow men's recourse in theory, though its application will be watched closely.
- **CRIMINAL LAWS:** Most IPC crimes (like rape, assault) already apply to any victim. However, laws like dowry or rape are specifically coded for female victims, reflecting the gendered nature of those crimes. There are debates about whether to create an offence of marital rape (currently not recognized except via general cruelty provisions) or to amend rape law to include male victims. Most feminists caution that the balance of power in society still heavily favors men, and gender-specific laws are needed to protect women in general.
- **CUSTODIAL RAPE AND PATTERN OF CRIME:** Some argue that male-on-male or other patterns of gendered crimes (e.g. against gay men, or against men in custodial

⁸⁷ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁸⁸ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

settings) do not get attention. In principle, Indian law's fundamental rights protect all individuals, but specific victim support is less available to men assaulted by women.

- **POLICY DISCUSSION:** Many government committees have examined "gender-neutral laws" but recommendations are mixed. For example, a Law Commission report (2020) declined to make DV law fully gender-neutral, citing women's greater vulnerability.

In sum, the misuse/misandry debate exists but is minor in scale. Official reports (NCRB, NHRC) confirm the vast majority of reported violent crimes and sexual crimes have women as victims. Legal scholars note that careful data-driven analysis is needed to guide reforms. The current trend is cautious: some women-specific protections are slowly being made neutral (as with BNS §86), but mainstream women's safety laws remain in force.

14. INTERSECTIONALITY: CASTE, CLASS, REGION, AND GENDER

Gender equality cannot be disentangled from other social hierarchies in India:

- **CASTE:** Dalit (Scheduled Caste) and Adivasi (Scheduled Tribe) women often face the highest rates of discrimination and violence. NCRB data show SC/ST women disproportionately represented among crime victims. Studies report that a Dalit woman is many times more likely to face violence than an upper-caste woman.⁸⁹ Legal measures like reservations (which benefit Dalit women to an extent) have not fully mitigated caste-gender violence. The Prevention of Atrocities Act (1989) lists crimes against Dalits including rape; its enforcement is another layer of complexity.
- **RELIGION:** As discussed, Muslim women have different legal positions than Hindu women in marriage and inheritance. Christian and Parsi women do not have separate personal law (they fall under secular marriage acts), leading to more uniform rights. However, communal tensions can impact enforcement: e.g. Muslim women's access to divorce rights often involves social boycott. Faith-based NGOs sometimes fill gaps for such women.
- **REGION:** States vary widely. Southern and northeastern states generally have better female literacy, sex ratios, and economic participation. Northern states like Haryana and UP have more skewed sex ratios and lower female labor force participation. Urban-

⁸⁹ Criminal Law (Amendment) Act, 2013, No. 13, Acts of Parliament.

rural gaps are stark as well: NFHS shows urban women have higher access to education and employment. State governments also differ: some (e.g. Kerala, Tamil Nadu) have strong welfare programs for women (pensions, land reforms), while others lag.

- **CLASS AND POVERTY:** Poor women (especially those earning daily wages) are most vulnerable to exploitation and have least access to justice. A rural tribal woman may face illiteracy, lack of transport, and caste discrimination when seeking her rights, even under strong laws. Development indicators (like maternal mortality or nutrition) reflect intertwined gender and class disadvantages.

India's policies increasingly recognize these layers. For instance, the National Commission for Women often highlights Dalit women's issues. The Beti Bachao Beti Padhao campaign was primarily targeted in Haryana (skewed sex ratio region). Yet most legal reforms have been uniform; only some laws (e.g. POA Act) specifically address caste.

15. RECENT REFORMS AND DEBATES

The last five years have seen significant changes and debates:

- **CRIMINAL CODE OVERHAUL:** The shift to the Bharatiya Nyaya Sanhita, 2023 was major. It codifies gender more explicitly (defining “men, women, transgender” in §2)⁹⁰ and merges offences against women/children (Chapter 5).⁹¹ Notably, BNS §86 makes domestic violence truly gender-neutral. It also expands definitions of rape (including non-penile assault), aligning with Gian Kaur-type liberties.
- **WOMEN'S RESERVATION:** The 2023 Women's Reservation Act (notified as the 106th/128th Amendment to the Constitution) reserves 33% of Parliament and state assemblies for women. Its passage follows decades of demand (and previous unsuccessful bills). The key debate now is about implementation (delimitation by 2026). This law, if implemented, will sharply increase women's representation. It has been welcomed by gender advocates, though some critics argue it could lead to tokenism or be captured by political dynasties.

⁹⁰ N. Kashyap, *Gender Equality and Women's Rights: A Study in the Indian Constitution*, Int'l J. for Multidisciplinary Research 6(2) (2024).

⁹¹ M. Dahal, *Conceptual and Legal Provisions of Women's Rights: Critical Study in Kalimpong District, West Bengal*, Int'l J. for Multidisciplinary Research 7(3) (2025).

- **MARRIAGE EQUALITY:** Activism is focusing on same-sex marriage legalization. As of 2026, courts are considering petitions to allow marriage rights for gay couples under the Special Marriage Act. A favorable judgment could create a new paradigm for marital rights in India.
- **VIOLENCE REFORMS:** In 2021-22, the DV Act was amended to allow complainants (aggrieved persons) to include male partners, recognizing male victims (as discussed). The government also increased compensation amounts for rape victims and created more fast-track courts.
- **ECONOMIC SCHEMES:** Post-COVID, several pro-women financial schemes were launched (e.g. Stree Nidhi cooperative for women, extensions of MGNREGA rights to migrant women). These are policy, not legal, but they reflect the focus on women's economic empowerment.
- **EDUCATION AND LABOR LAWS:** There are proposals to introduce sex-sensitization in police training and schools. The attempt to make reservation in private firms for women (STEM sector, discussed in 2023) has not materialized but remains debated.

16. COMPARATIVE AND INTERNATIONAL CONTEXT

Internationally, India's legal framework is generally viewed as progressive on paper. India is a signatory to CEDAW (1993) and regularly reports on gender equality to the UN. Compared to other developing nations, India's constitution and laws are often more explicit on non-discrimination. However, indices like WEF, UNDP Gender Inequality Index, and UNESCO education reports show India lagging in actual outcomes. Globally, 61 countries (per UN SDG report 2025⁹²) still have discriminatory laws; India is not one of them formally, but its gap between law and practice is not uncommon. For instance, Pakistan also has constitutional equality but a very poor gender gap ranking; Sri Lanka has better outcomes but still fights some patriarchal traditions. Thus, India's challenge is shared: many countries find that removing legal barriers is necessary but not sufficient for gender justice.

INDIA'S SITUATION ALSO CONTRASTS WITH SOME NEIGHBORS: Bangladesh has made headway in women's parliamentary representation and girls' education, but still faces severe violence issues. Bhutan and Nepal have better gender gap rankings in WEF. This

⁹² United Nations, *Sustainable Development Goals Report 2025*.

suggests that law must be coupled with economic and social policy. India's ambitious fiscal allocations (e.g. PM Matru Vandana, Beti Bachao) and inclusion of women in leadership roles in disaster recovery, pandemic response, etc., indicate state recognition that gender equality is essential to development.

17. POLICY RECOMMENDATIONS

Building on the analysis above, key recommendations to advance gender equality include:

1. **STRENGTHEN ENFORCEMENT:** Allocate more resources to police and judiciary training on gender issues. Increase budgets for One-Stop Centers and Shelter Homes. Implement mandatory data collection on convictions/acquittals in crimes against women to identify bottlenecks.
2. **HARMONIZE PERSONAL LAW:** Initiate a broad dialogue toward a Uniform Civil Code focused on equality. In the interim, codify gender-neutral provisions in personal laws (e.g., inheritance rights in Muslim law, uniform age-of-marriage law). Ensure the 2019 Transgender Act is amended per NALSA (simplify ID procedures, add penalties for discrimination).
3. **ECONOMIC EMPOWERMENT:** Enforce the Equal Remuneration Act by requiring companies to publicly report gender pay ratios. Expand affordable childcare (government crèches), consider universal pre-school, and incentivize employers (tax benefits) for women-friendly workplace practices. Extend labor protections to informal women workers (e.g. maternity benefits through cash transfers, health insurance).
4. **EXPAND LEGAL AID AND LITERACY:** Conduct nationwide legal awareness campaigns on women's rights (courts have sought to do this, but scaling up is necessary). Fund legal aid specifically for women litigants. Use technology (mobile apps, SMS services) to provide information on rights and complaint mechanisms, especially in rural areas.
5. **POLITICAL REPRESENTATION & LEADERSHIP TRAINING:** Ensure timely implementation of the 33% reservation. Simultaneously, train and mentor elected women (especially first-time elected officials) to effectively use their roles, through programs by PRD and NGOs. Encourage political parties to voluntarily nominate more women candidates (some parties have internal quotas).

6. **DATA-DRIVEN POLICING:** Encourage police departments to adopt gender-sensitization training and to track crime data with a gender lens (e.g. response time for 1091/1098 helplines). Use victim feedback to reform procedures (e.g. one-stop medical evidence collection kits to reduce trauma).
7. **INCLUSIVITY MEASURES:** In each policy, explicitly consider intersectionality. For instance, allocate a portion of women's scheme funds for SC/ST women. Include orientation on caste/gender discrimination in police and judicial training.
8. **LGBT RIGHTS:** Legislate anti-discrimination protections in employment, housing, and services covering sexual orientation and gender identity. Amend marriage laws to allow same-sex marriage (or at least civil unions). Allow blood donation and adoption rights equally.
9. **MEN AS ALLIES:** Public campaigns should highlight the benefits of gender equality for families and communities, engaging men as partners. Address legitimate men's concerns by clarifying that legal protections are expanding in both directions (e.g. gender-neutral DV law) without diluting women's safety.
10. **MONITORING AND ACCOUNTABILITY:** Establish periodic independent reviews of gender laws' impact (e.g. a Parliamentary Standing Committee on Women's Rights). Ratchet up CEDAW and SDG reporting to translate international goals into national targets (like narrowing wage gap, improving rural female employment by X%).

These steps should be prioritized and funded adequately. The Nari Shakti Vandan scheme (reservation) and Budget 2026 announcements can drive legislative follow-up. Ultimately, legal reforms must be embedded in a broader social transformation – education, health, and media narratives – to achieve substantive equality.

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