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WOMEN'S RIGHTS AND PROTECTION LAWS IN INDIA: CONSTITUTIONAL AND LEGAL FRAMEWORK

~ *Khushi Chugh*

INTRODUCTION

Still far from finished, India's path to fairness between genders stretches back decades. Backed by tradition, unequal treatment often roots itself in money struggles plus rigid norms passed through generations. Courts step in now and then, just like lawmakers do when problems become too loud to ignore. Change shows up either hand in hand or only once something forces a reaction out of silence.

These days, India's has a collection of rules in its constitution and legal framework meant to guard women. Trouble is, it isn't about missing laws but more about whether those laws ever make their way into everyday lives.

CONSTITUTIONAL FRAMEWORK

Every woman in India finds her legal starting point within the nation's Constitution. This framework sets down core rights meant to support fairness across society. Though written without gender-specific terms, its meaning has grown through court decisions. Equality under Article 14¹ goes beyond identical treatment for all people. Instead, judges now see it as correcting imbalances rooted in daily life. Fairness requires acknowledging unequal social realities more than uniform rules when backgrounds differ greatly.

¹ INDIA CONST. art. 14.

What happens under Article 15(3)² matters here more clearly. Special rules for women and children can come from state power. Formal fairness does not fix everything, that much becomes clear. Long-term imbalance sometimes needs different treatment just to reach fair outcomes. Life and personal freedom under Article 21³ have seen broad meaning through court decisions. Dignity in living emerged slowly into its understanding. Courts began seeing abuse at home or harassment as attacks on that dignity. Where laws are silent, this article steps in quietly. Its strength lies in the actual judicial interpretation.

KEY LEGISLATIONS

One key change came with the Protection of Women from Domestic Violence Act, 2005⁴. Earlier, legal help mostly meant using criminal charges like Section 498A⁵ of the IPC. Still, that path could drag on - offering little quick support when needed fast.

Now courts could issue safety rules or decide who stays in the home. Women found they had faster access to help without waiting for criminal cases to unfold. Instead of only hitting or pushing, mistreatment began covering silent attacks like emotional abuse, control, financial abuse. Real life shaped these updates. The law started reflecting what abuse really feels like. Years followed a landmark court case before India got its first law targeting workplace sexual harassment. That ruling, known as *Vishaka v. State of Rajasthan*⁶, shaped what later became the 2013 act⁷. Instead of fading into legal history, it turned into real rules companies must follow today. When ten or more people work together, a special body should exist within that space. These panels go by the name Internal Complaints Committees. They are not reserved only for those on permanent rolls. People without fixed contracts find some protection too. Even temporary hands, like trainees, come under its reach. By pulling such roles inside, the rule stretches further than older laws did. This Act attempts to address the realities of different employment structure.

Yet things look different on the ground. Not every group follows through completely, some just go through the motions. Smaller teams often miss the point entirely.

² INDIA CONST. art. 15, cl. 3.

³ INDIA CONST. art. 21.

⁴ Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, INDIA CODE (2005).

⁵ Indian Penal Code, 1860, § 498A.

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

⁷ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14 of 2013, INDIA CODE (2013).

Even though the Dowry Prohibition Act from 1961⁸ makes it illegal to give or receive dowry, complaints about dowry pressure keep appearing. Because of how severe these crimes are, Section 304B⁹ of the IPC specifically addresses dowry deaths. Yet people still face harm tied to dowry demands. Laws banning the act exist - however, their presence hasn't wiped out the tradition completely.

JUDICIAL AND INSTITUTIONAL SAFEGUARDS

Women's rights grew because judges interpreted laws in new ways. When lawmakers fell short, court decisions filled gaps now and then. The National Commission for Women also plays a supporting role by allowing the individuals bring issues, following which further action may be initiated.

One reason fast-track courts came about? A growing worry about how long sexual offence cases took, particularly following what happened in Delhi back in 2012. Because of that moment, there was a push - sudden, focused - to move faster through tough legal matters without losing care. Speed mattered more now, yet so did getting it right when lives hung in balance.

CHALLENGES IN IMPLEMENTATION

Even though there are several laws, they do not always work the same way everywhere. The main problem? People often do not know about them. A lot of women, particularly those living outside cities, have little information on what rights they hold under law or where help might come from. Pressure from society and money troubles shape outcomes too. Sometimes fear of what relatives might say stops women speaking up about harm they face. Getting help often means facing months of stress, even if someone finds courage to file a complaint. A slow system adds weight to an already heavy burden.

Most institutions struggle to keep up. Overloaded Protection Officers find it tough to act fast under the Domestic Violence Act. In parallel, Internal Complaints Committees created by the POSH Act barely work in numerous job environments - particularly where jobs lack formal structure. Justice drags on further because courts hold too many unresolved cases.

⁸ Dowry Prohibition Act, 1961, No. 28 of 1961, INDIA CODE (1961).

⁹ Indian Penal Code, 1860, § 304B.

Still, everyday beliefs shape the way rules play out on the ground. Where old power structures hold strong, new laws often move slower than expected. Instead of courts, quiet deals behind closed doors sometimes settle conflicts - leaving women worse off. Laws exist, yet unwritten habits bend their impact.

CONCLUSION

India's system for safeguarding women's rights is somewhat advanced. Built on constitutional roots, it grows through laws like the act against domestic abuse, workplace safety rules, and bans on dowry demands. Court rulings often stretch basic rights wider, adding strength along the way. However, the true challenge lies in the effective implementation. Rules might be written down, yet they only matter when people know about them, systems support them, because culture has to catch up too. Without fixing those pieces, progress stays out of reach, even if laws say otherwise.