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WOMEN'S RIGHTS UNDER INDIAN LAW

~ *Gaurashwari Rathod*

INTRODUCTION

The emergence of a question mark over the recognized identity of a woman has always been bold over the decades. It's merely vague in answering those questions, fighting hard to gain recognition towards the identity of a woman, and asking to be granted equal rights as men. "Equality" as an absolute factor of a nurturing society, witnessing such discrimination and harsh suppressions of women's rights and identities for ages, creates an irrationality and absurdity in determining a developing society in India.

In a recent NCRB data record, the current crime ratio is 66.4 lakh per woman, with 4,45,256 cases overall against women, an average of 51 complaints per hour.¹

This data strangles the idea of living freely in a free country, especially the present state of subdued morals and ideals of society in India. Covering the extreme ends of the fight for justice, where the demands raised by the women include the provisions and measures for safety, security, equality, property, dignity, and various other grounds. Which, with time, changed, amended, emerged, evolved, and executed in the nation.

Quoting Jawaharlal Nehru, "The greatest indicator of a society's progress is the status of women that holds it up"² The analysis of the complete state of women from ancient times to

¹ Sonali Verma, India Records 51 Cases of Crime Against Women Every Hour; Over 4.4 Lakh Cases in 2022: NCRB Report, Times of India (Dec. 4, 2023), [available at https://timesofindia.indiatimes.com/india/india-records-51-cases-of-crime-against-women-every-hour-over-4-4-lakh-cases-in-2022-ncrb-report/articleshow/105731269.cms](https://timesofindia.indiatimes.com/india/india-records-51-cases-of-crime-against-women-every-hour-over-4-4-lakh-cases-in-2022-ncrb-report/articleshow/105731269.cms)

² Jawaharlal Nehru, *The Status of Women in India* (Dec. 6, 1957), in *Selected Works of Jawaharlal Nehru*, 2d ser., vol. 40, at 277 (Mridula Mukherjee ed.), <https://nehruarchive.in/documents/the-status-of-women-in-india-6-december-1957-ng379>

the current era highlights the various phases of societal norms, morals, and ideals governing women's existence in Indian society. The waves of feminism demanded several rights and changes, which were affected by the destructive norms such as female feticide, infanticide, dowry death, domestic violence, sati-pratha, and terrible sexual and physical abuses to women, over time.

Hence, in a direction towards surmounting the deterioration of women's rights and dignity, several provisions undertook the position in Indian laws and statutes.

Constitutional provisions³

1. Article 14: - Ensured equal status of women, a position given at equal pavement as men in society by providing the "equality" before the law.
2. Article 15: - surmounted all sorts of gender and arbitrary discrimination, ensuring the true sense of a dignified life for women in the country.
3. Article 16: - empowering the women's participation in public work, where the assurance of equality of opportunities is primary. Created the chance for economic stability for women.
4. Article 39(a): The article grants equality in the sense of having an adequate means of livelihood to both men and women; the equal footing of men and women is to be ensured by the state.
5. Article 39A: No person shall be deprived of justice by virtue of being economically unable to knock on the doors of justice. The facility of the legal aid clinic to be ensured has led to a direction for the women to ensure the effective provision of justice.

Case law: Vishakha vs the State of Rajasthan AIR 1997 SC 3011.⁴

- An activist in a move to stop the child marriage of an infant girl got trapped in the brutality of a gang rape.

³ The Constitution of India arts. 14, 15, 16, 39(a), 39A (1950),
https://www.indiacode.nic.in/bitstream/123456789/19150/1/constitution_of_india.pdf.

⁴ Vishaka & Ors. v. State of Rajasthan & Ors., AIR 1997 SC 3011, (1997) 6 SCC 241.

- The Supreme Court, in response to the action of such a heinous crime, observed that, as per articles 14, 19, and 21, every trade, profession, and occupation should be safe for working.

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE

Women being physically, mentally or emotionally abused within the family are provided with the protections and effective remedies that guarantee absolute protection, right to reside, safeguards to monetary relief, custody of children and provision of free legal services and etc.

The remedies available in the PWDVA , 2005 are as follows:-

1. Section 18 – the protection order is mentioned in this section where the respondent is restricted to aid or commit the domestic violence against women in any manner.
2. Section 19- protection of women's right to reside in a shared or matrimonial household.
3. Section 20- Monetary order relief , and compensation
4. Section 21- grant of temporary custody order of children to the women.
5. Section 22- provision of granting compensations for the injuries or damages caused to the women.

Case law: Indra Sarma v/s VKV Sarma AIR 2014 SC 309.⁵

The case ensured the protection of PWDVA 2005, only to be stretched to the ends of the official and genuine nature of marriage rather than the long-term live-in relationship status of men and women.

Posh ACT, 2013⁶

⁵ Indra Sarma v. V.K.V. Sarma, AIR 2014 SC 309, (2013) 15 SCC 755.

⁶ Department of Women & Child Development, Government of NCT of Delhi, *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, <https://wcd.delhi.gov.in/wcd/sexual-harassment-women-workplaceprevention-prohibition-and-redressal-act-2013sh-act-2013>.

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

The act protects women against sexual harassment and abuse at the workplace by providing a safe and dignified working environment, ensuring the prohibition of such heinous deeds and redressal of such complaints by mandating the settlement of the ICC internal complaint committee and the local committee.

Case law - Apparel Export Promotion Council v. A.K. Chopra AIR 1999 SC 625, (1999) 1 SCC 759.⁷

- A senior officer misused the position and authority to take a female junior employee to a secluded hotel room, for work purposes.
- There, he attempted to harass her by touching her inappropriately.
- The judgment laid included the factor of attempting to molest or creating a humiliating environment at the workplace, to be considered as sexual harassment and hence the violation of women's rights under articles 14, 19, 21.

PROVISIONS UNDER THE CRIMINAL LAW⁸

The law provides safeguards against the absolute exploitation of women by laying out the rules and recognition of several offences against women, such as rape, dowry death, cruelty, and trafficking.

The protections against such heinous crimes are coded under the compiled criminal.

Indecent representation of women (prohibition) Act , 1987

In the emerging world with advanced technology and evolutionary techniques in communication mediums, the impact of social media stands out to be the primary factor at upholding the true essence of wide and large connections, but in contrary it too turns out to be the foe, during the unauthorized usage and illegitimate medium to spread the illegal content. The punishments for such actions and deeds are specifically coded in the Indian

⁷ Apparel Export Promotion Council v. A.K. Chopra, AIR 1999 SC 625, (1999) 1 SCC 759.

⁸ National Commission for Women, *Laws Related to Women*, <https://www.ncw.gov.in/important-links/laws-related-to-women/> (last visited Aug. 21, 2026).

legal statutes, specifically including the criminal liability arising due to indecent representation of women, defined under this act.

1. Section 6 – Penalty defined, (any person who violates the provision of section 3 , 4 of this act , shall be punishable ; I conviction – for a term of 2 years with a fine of 2000 rupees , II (subsequent) conviction – not less than 6 months extending upto 5 years with a fine of not less than ten thousand rupees extending upto rupees one lakh.

Crimes under Bhartiya Nyaya Sanhita⁹

The legal provisions for the other offences committed against women are coded under the Bhartiya Nyaya Sanhita, including the following few ones-

1. Obscenity – under section 294, 295, & 296
2. Acid attack- section 124(1), 124(2) of BNS 2023
3. Dowry death- section 80
4. Rape and sexual assault- section 63, 64,65- 72(2) of BNS 2023.
5. Cruelty- section 85, 86, BNS , 2023

CONCLUSION

With the rising cases of heinous crimes against women, the provisions given under the Indian law and statutes provide effective safeguards and solutions to all those problems that emerge as a great concern in today's period.

The main challenges in the effective execution of the rule in contemporary India, includes the less complaint filing, scary steps heading towards the raising alarm against such deeds, bounded by the fear of losing dignity in society. The low conviction rate, translucency in effective investigation of cases and delayed hearing in the courtrooms often lead the women to stay quiet and face the injustice, but effective solutions are required, and a redressal mechanism needs to be maintained. The transparent functioning of the system and fearless voices to be held boldly against the wrong.

⁹ National Commission for Women, *Laws Related to Women*, <https://www.ncw.gov.in/important-links/laws-related-to-women/> (last visited Aug. 21, 2026).