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“WOMEN’S RIGHTS IN INDIA: A STUDY OF LEGAL FRAMEWORKS, SOCIAL BARRIERS, AND THE QUEST FOR EQUALITY”

Abstract:

The status of women in India represents a complex intersection of historical traditions, social norms, economic structures, and legal frameworks. Despite constitutional guarantees ensuring equality and protection from discrimination, women continue to face significant challenges that limit their full participation in society. Socially, patriarchal attitudes, cultural practices, and gender stereotypes often restrict women’s autonomy and decision-making power, impacting their education, health, and overall well-being. Economically, women encounter barriers such as unequal wages, limited opportunities in leadership and formal employment, and restricted access to financial resources, which hinder their empowerment and independence. Legal safeguards, including laws addressing domestic violence, sexual harassment, dowry, and inheritance rights, aim to protect women and promote equality; yet, their effectiveness is often undermined by low awareness, inadequate implementation, and societal resistance. This study examines the contemporary social, economic, and legal position of women in India, highlighting both the progress achieved and the persistent inequalities that remain. By analyzing the structural and systemic factors that impede gender equality, the research emphasizes the importance of a holistic approach that combines robust legal measures, socio-economic empowerment, and cultural transformation. Addressing these challenges is essential not only for protecting women’s rights but also for fostering inclusive development and social justice. The study ultimately advocates for a strengthened synergy between law, policy, and societal change to ensure that women in India can enjoy equal opportunities, dignity, and agency in all spheres of life.

Keywords: Gender Equality, Women Empowerment, Social Challenges, Economic Barriers, Legal Safeguards

Introduction: India has long referred to itself as Bharat-Mata, a term that symbolizes the nation as a nurturing mother to all its people. Just as one honours and protects a mother, it is essential to safeguard the dignity and rights of every citizen who forms the strength of this motherland. Women, who constitute nearly half of the global population, have traditionally been revered in Indian culture as embodiments of wisdom, prosperity, and strength—reflected in the worship of goddesses such as Lakshmi, Saraswati, and Durga in the Vedic tradition. Despite this cultural veneration, the actual status of women in India has been marked by deep contradictions. While ancient scriptures proclaim “Yatra nari pujiyante tatra ramante devah”—where women are respected, divine blessings prevail—the lived experiences of many women reveal persistent discrimination and hardship. From before birth through their entire life cycle, women often encounter inequalities that reflect the paradoxical nature of Indian society. In contemporary times, women have increasingly begun to assert control over their lives, making independent decisions regarding education, career, marriage, lifestyle, and even religious participation. Demands for equality in employment, inheritance, politics, and social spaces continue to grow. Yet, despite constitutional guarantees and progressive policies, the empowerment of women remains limited in practice. Daily realities still show women facing social evils, violence, restricted opportunities, and systemic barriers that hinder their ability to claim equal rights. True empowerment involves enabling women to access resources, exercise choices, and participate fully in all spheres of life. As Jawaharlal Nehru aptly stated, “You can tell the condition of a nation by looking at the status of its women.” The position of women, therefore, remains a crucial indicator of India’s social progress and its commitment to equality.¹

Methodology - This study adopts a descriptive and analytical methodology with a strong qualitative focus to assess the social, economic, and legal status of women in India. It relies entirely on secondary sources, including constitutional provisions, statutory laws, landmark judgments, government reports, policy documents, books, and scholarly articles. Using a doctrinal approach, the research interprets legal texts and examines socio-economic literature to identify patterns of inequality and evaluate the effectiveness of existing safeguards. The data is analysed through thematic and critical review to understand the structural and cultural barriers that continue to limit women’s empowerment. Although the study does not include primary data such as interviews or surveys, it maintains academic rigor by ensuring objectivity, ethical use of sources, and a balanced examination of all gender-related concerns.

Objectives of the Study

1. To examine the social, economic, and legal status of women in contemporary India by analysing the gap between constitutional guarantees and real-life experiences.
2. To identify the major social, cultural, and structural barriers—including patriarchy, illiteracy, traditional norms, and lack of awareness—that prevent women from claiming their equal rights.
3. To evaluate the effectiveness of constitutional and statutory safeguards such as the Dowry Prohibition Act, Domestic Violence Act, and workplace harassment laws in protecting women’s rights.

¹ “Jain,S.(2023).WOMEN RIGHTS IN INDIA AND THEIR CHALLENGES, ijariie.com,Vol-9, Issue-1, Pg.No. 1322, ISSN(O)-2395-4396”.

4. To analyse the extent to which women participate in education, employment, decision-making, and public life, and to understand the factors influencing these levels of participation.
5. To assess implementation challenges within the legal and institutional framework, including loopholes, enforcement gaps, and social resistance that weaken women's access to justice.
6. To explore the relationship between women's empowerment and national development, highlighting how enhanced rights, opportunities, and security contribute to broader social progress.
7. To propose measures for strengthening legal protections, improving socio-economic opportunities, and promoting cultural change, with the aim of ensuring genuine equality and dignity for women in India.

Factors Restraining Women from Claiming Equal Rights with Men

1. Male Dominance:

Indian society continues to function largely within a patriarchal framework, where men hold authority in social, economic, and political spaces. Although the law grants equality to women, the ground reality remains different. Most important positions at the state and central levels are still occupied by men, and political institutions such as the Lok Sabha and Vidhan Sabha reflect a similar imbalance. Women often work under male leadership and are rarely seen as independent decision-makers in political arenas. Society seldom appreciates or supports women who assert their rights or demand opportunities. This deep-rooted dominance discourages women from confidently exercising the rights guaranteed to them.

2. Illiteracy Among Women:

Low literacy rates significantly limit women's ability to understand and utilize legal protections. Education plays a crucial role in social awareness, economic independence, and mental empowerment. Although various laws exist to safeguard women from violence, exploitation, and harassment, many women—especially those working in the unorganized sector—remain unaware of these rights. Illiteracy, coupled with economic dependency, forces women to tolerate injustice rather than seek legal remedies.

3. Traditional Beliefs:

Despite constitutional guarantees of equality, traditional attitudes continue to impose rigid gender roles. Women are often expected to be modest, obedient, and submissive, accepting male dominance as natural. These outdated norms contradict modern legal provisions and discourage women from asserting their rights. When women attempt to use the law for their protection or advancement, they often face criticism and social disapproval, which acts as a deterrent.

4. Lack of Social Awareness:

A large portion of India's population resides in rural and slum areas, where illiteracy and lack of awareness are widespread. Women's organizations and legal awareness campaigns often fail to reach these communities effectively. Although media and newspapers highlight women's rights and legal

provisions, the information does not penetrate deeply enough to create real change. Due to limited awareness, many women remain uninformed about the protections and opportunities available to them.

5. Legal Weaknesses:

Women frequently face hurdles due to gaps and inconsistencies within the legal system. Certain laws, such as the Dowry Prohibition Act or laws against sexual offences, contain loopholes that allow offenders to escape punishment. These shortcomings weaken trust in the justice system and discourage women from pursuing legal action, making it difficult for them to claim their rightful protections.

6. Women's Internalized Beliefs:

Long-standing social conditioning has led many women to internalize gender inequalities. They are taught to endure injustice and remain silent in the face of harassment or violence. Fear of blame, criticism, or social stigma prevents women from speaking out or seeking legal intervention. This self-doubt and hesitation become significant barriers to exercising their rights.²

Persistent Obstacles to Women's Equality and Rights in Contemporary India

1. Access to Education: Education is a fundamental right in India, yet many women are still denied this basic entitlement even after seventy-eight years of independence. A significant gender disparity exists between boys and girls, reinforced by traditional beliefs that excessive education for girls may create social problems. Limited access to education restricts women's personal development and societal participation, preventing them from asserting their rights effectively.

2. Access to Employment: Women's participation in the workforce remains low due to both economic and social constraints. Statistics show that women occupy only 13% of administrative roles, 11% in the judiciary, 7% in police services, 2% in defense, and 22% in teaching. Male-dominated workplaces and societal expectations often discourage women from expressing ideas publicly or advancing professionally, thereby limiting their ability to claim equal economic and professional rights.

3. Decision-Making Power: Cultural norms and patriarchal attitudes frequently prevent women from making independent decisions at home, in local communities, or in public institutions. The perception that women are less capable decision-makers undermines their influence and autonomy, restricting their participation in social, political, and economic decision-making processes.

4. Freedom of Movement: Social norms, safety concerns, and cultural restrictions limit women's mobility, especially at night. Fear of harassment or insecurity prevents women from working shifts or engaging freely in educational, professional, and social activities, constraining their ability to exercise equal rights in public spaces.

5. Domestic Violence: Domestic violence remains widespread, affecting the physical and psychological well-being of women and children. This persistent threat not only violates women's rights but also

² "Patel, I.P. (December-2017). Barriers to legal facilities for women in Indian society, Research Guru: Online Journal of Multidisciplinary Subjects (Peer Reviewed), Volume-11, Issue-3, Pg.No.37, ISSN:2349-266X".

restricts their participation in society, highlighting the critical need for protective measures and empowerment initiatives. Collectively, these social, economic, and cultural barriers continue to restrain women from claiming and exercising equal rights with their male counterparts.³

Constitutional Safeguards for Women

The Constitution of India incorporates several provisions aimed at ensuring the dignity, equality, and protection of women. Dr. B. R. Ambedkar, the principal architect of the Constitution, emphasised that women must be guaranteed both social and legal rights to enable their full participation in national life. Accordingly, a range of constitutional articles—such as Articles 14, 15(1), 15(3), 16, 23, 39(a), 39(d), 42, 51A(e), and 243—create a strong framework for advancing women’s status in the country.

1. Article 14

Article 14 affirms the principle of equality before the law and equal protection of the laws. This foundational guarantee ensures that women receive the same legal safeguarding as men and empowers the legislature to enact additional laws that strengthen women’s rights and address crimes committed against them.

2. Article 15

Article 15(1) prohibits discrimination on grounds of sex, caste, religion, race, or place of birth. Further, Article 15(3) authorises the State to make special provisions for women and children, recognising the need for affirmative measures to eliminate historical disadvantages.

3. Article 16

Article 16 guarantees equality of opportunity in matters of public employment. It forbids discrimination in State employment on grounds of sex, religion, caste, descent, place of birth, or social background, thereby enabling women to participate equally in public service.

4. Article 23 – Protection Against Human Trafficking and Exploitation

For centuries, women have been subjected to various forms of physical, emotional, and sexual exploitation. Article 23(1) prohibits trafficking in human beings, begar, and other forms of forced labour. Trafficking includes the sale and purchase of individuals as slaves and the illegal trade of women and children for immoral purposes. To strengthen the constitutional mandate, Parliament enacted the Immoral Traffic (Prevention) Act, 1956, which obligates the State to take effective measures to curb trafficking and to protect individuals from both private and State-led exploitation.

In addition to these enforceable rights, the Directive Principles of State Policy in Part IV of the Constitution advocate social justice, equality, and welfare for women, though they are not legally

³ “Sindhu,L.(March 2022).Women Empowerment in 21st Century in India: Some Issues and Challenges, International Journal of Novel Research and Development, Volume 7, Issue 3 March, Pg.No.107-108, ISSN: 2456-4184 “

enforceable. The Constitution also upholds equal political rights, including the right to vote and the right to participate in governance.

5. Article 39

Under the Directive Principles, Article 39(a) directs the State to ensure that men and women equally enjoy the right to a livelihood, while Article 39(d) mandates equal pay for equal work, reinforcing economic justice across gender lines.

6. Article 42

Article 42 obligates the State to provide humane working conditions and maternity relief. This provision lays the foundation for policies relating to maternity benefits and safe workplaces for women.

7. Article 51A(e)

Article 51A(e), part of the Fundamental Duties, calls upon every citizen to renounce practices derogatory to the dignity of women and to promote harmony among all people of India.

8. Article 243 – Reservation for Women in Local Governance

Article 243 Recognising the importance of women's involvement in grassroots democracy, the Constitution provides for reserved seats for women in Panchayats and Municipalities. This measure enhances women's political participation and strengthens democratic decentralisation.⁴

Statutory Safeguards for Women

Although not all laws in India are gender-specific, several important statutes have been enacted or amended to address women's evolving needs and to strengthen their legal protection. These laws serve as crucial safeguards for women's rights, dignity, and safety.

1. Dowry Prohibition Act, 1961

The Dowry Prohibition Act defines *dowry* as any property or valuable security demanded or given as a condition of marriage. The Act strictly forbids requesting, offering, or accepting dowry. Under Section 3, voluntary gifts exchanged during marriage ceremonies are permissible, provided they are not demanded as a precondition. Violation of the Act may result in imprisonment of up to five years along with a fine of either ₹15,000 or the value of the dowry involved—whichever is higher. Notably, several states had already introduced anti-dowry measures even before the central legislation came into force.

2. Laws Regulating Sex Work – SITA, 1956 and ITPA

The Immoral Traffic (Suppression) Act of 1956, later amended as the Immoral Traffic (Prevention) Act, lays down provisions for addressing trafficking and exploitation in the context of sex work. Although sex

⁴ "Nair,R.S.(May 2024).A study on the constitutional provisions for the protection of women, International Journal for Research Trends and Innovation, Volume 9, Issue 5,Pg.No.594-595, ISSN: 2456-3315".

workers are not treated as part of the formal labour sector, they retain all fundamental rights guaranteed to every citizen. The law aims at rescue, rehabilitation, and protection from exploitation. While individual and voluntary sex work is not criminalised, activities such as soliciting clients in public, running brothels, or organising prostitution rackets are punishable. Additionally, sex work cannot be carried out within 200 yards of a public place.

3. Protection of Women from Domestic Violence Act, 2005

This landmark legislation provides comprehensive protection to women facing violence within the household. Domestic violence is defined broadly to include physical, sexual, verbal, emotional, and economic abuse. The Act protects not only wives and female live-in partners but also other women residing in the home—such as mothers, widows, sisters, and daughters-in-law. Harassment connected to unlawful dowry demands is also included within the definition of domestic violence, ensuring wider redress for victims.

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

The 2013 Act provides a robust legal framework to prevent and address sexual harassment at workplaces across both public and private sectors. It upholds women's constitutional rights to equality, life, dignity, and safe working conditions. The Act mandates the establishment of Internal Complaints Committees in organisations and Local Complaints Committees at the district level, extending protection to women employees, students, apprentices, and even patients in hospitals. Employers who fail to comply with the provisions may face penalties of up to 50,000. Ensuring a secure work environment not only protects women from harassment but also strengthens their economic independence and participation in national development.⁵

Conclusion: The status of women in India continues to reflect a profound contrast between constitutional ideals and lived realities. Although the nation is guided by strong legal frameworks and progressive policies aimed at ensuring equality, dignity, and protection, women still face persistent social, economic, and cultural barriers that restrict their empowerment. Deep-rooted patriarchy, limited access to education and employment, inadequate awareness of legal rights, and gaps in implementation collectively hinder their ability to claim equal status with men. While constitutional safeguards and statutory protections provide a solid foundation for advancing women's rights, meaningful improvement depends on how effectively these measures are implemented and supported by society. Strengthening institutional mechanisms, expanding awareness, and challenging gender stereotypes are essential for bridging the gap between law and practice. Empowering women is not only a matter of justice but also a prerequisite for national progress, as the development of any society is closely linked to the well-being and advancement of its women. A sustained commitment to legal reform, socio-economic inclusion, and cultural transformation is therefore vital to ensure that women in India can realise their full potential as equal and active participants in all spheres of life.

⁵ "Akhtar,A.,&Tiwari,P.(2021).A Study On Constitutional And Legal Measures For Women's Empowerment In India, Ilkogretim Online - Elementary Education Online, 2021, Vol 20, Issue 1,Pg.No.6230-6231, doi: 10.17051/ilkonline.2021.01.646".