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EMPOWERING INDIAN WOMEN THROUGH LAW – CONSTITUTIONAL PROTECTIONS AND ONGOING REFORMS

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Abstract

This magazine offers a thorough examination of the legal system that governs women's rights in India, emphasizing the constitutional mandates, significant statutes, court rulings, and legislative initiatives meant to ensure gender equality and justice. It critically analyzes how affirmative action is made possible and women's socioeconomic and political rights are protected by constitutional provisions like Articles 14, 15, 16, 21, and related Directive Principles. The Protection of Women from Domestic Violence Act, Sexual Harassment of Women at Workplace Act, Dowry Prohibition Act, and other important laws are examined in the study, along with court rulings that have improved women's rights. The achievement of genuine gender equality is nevertheless hampered by issues with law enforcement, societal attitudes, and intersectional discrimination, despite progressive legislation. In order to make constitutional aspirations a reality for Indian women, the magazine emphasizes the need for judicial activism, effective implementation, increased legal awareness, and institutional reforms. Additionally, it places Indian law reforms in the context of international frameworks for gender justice and women's human rights.

Keywords

Articles 14 and 15 of the Indian Constitution, women's rights, gender justice, laws against domestic abuse and sexual harassment, affirmative action, activism by judges, equality of gender, Women's empowerment, intersectional discrimination, and legal reforms

Introduction

Since women make up half of the population and are the primary designers of social and economic advancement, women's rights are crucial to the pursuit of an equitable and just society. Constitutional mandates, historic legislation, judicial activity, and tenacious campaigning have all contributed to the significant evolution of India's legal structure defending women's rights. Through its extensive

provisions, the Indian Constitution upholds the values of equality, nondiscrimination, and affirmative action, acknowledging the historical obstacles experienced by women and the necessity of their advancement. In order to convert constitutional aspirations into workable protections, specific legislation pertaining to child marriage, dowry ban, workplace harassment, domestic violence, and reproductive rights have been passed over time.

The full implementation of women's rights is nonetheless hampered by enduring issues like societal attitudes, enforcement gaps, and intersectional discrimination, despite this comprehensive legal framework. By reading laws broadly and making sure they are sensitive to current gender-related issues, the court has played a revolutionary role. In addition to legislative efforts, policy initiatives and institutional structures work to secure political representation, increase awareness, and promote women's economic empowerment.

This magazine examines the complex legal environment that governs women's rights in India, looking at judicial landmarks, legislative provisions, constitutional underpinnings, and ongoing socio-legal issues. It places India's efforts in the context of international movements for gender justice, highlighting the need for effective enforcement, cultural change, and comprehensive reform in addition to written legislation in order to achieve substantive equality. To guarantee that every Indian woman can completely exercise her rights and live with dignity, safety, and growth chances, it is essential to comprehend and reinforce these legal underpinnings.

Constitutional Foundation of Women's Rights

The Indian Constitution is a groundbreaking text that emphasizes a thorough dedication to women's rights protection and gender equality. It creates a solid legal framework that forbids discrimination and advances equal opportunities in all areas of life. Articles 14, 15, 16, 21, and a number of Directive Principles of State Policy, which together promote substantive equality for women, are fundamental to this framework.

Article 14 ensures that no person or group is subjected to arbitrary or unlawful discrimination by guaranteeing everyone equality before the law and equal protection under the law. All anti-discrimination legislative changes that impact women are based on this equality principle, which offers a constitutional foundation for

opposing laws and behaviors that discriminate against women.

The State is expressly forbidden from discriminating against any person on the basis of sex, religion, race, caste, or place of birth by Article 15. Crucially, Article 15(3) recognizes structural injustices and historical disadvantages and gives the State the authority to create particular arrangements for women and children. Affirmative action, reservations, protective laws, and welfare programs that promote women's socioeconomic growth are all made possible by this provision.

Gender discrimination in government employment is prohibited by Article 16, which guarantees equality of opportunity in terms of public employment. In the meanwhile, courts have construed the right to life and personal liberty guaranteed by Article 21 broadly to include the freedom from gender-based violence, the right to sexual autonomy, and the right to live with dignity.

The State's obligation to advance welfare measures such as equal pay for equal work (Article 39(d)), health and maternity relief (Article 42), and equitable livelihood prospects (Article 39(a)) is outlined in the Directive Principles, which are non-justiciable. In order to close the gap between formal equality and substantive empowerment, progressive policy and legislative reform have been motivated by these ideals.

By turning these fundamental guarantees into enforceable rights, judicial interpretations have had a revolutionary effect. Preventive and remedial frameworks against sexual harassment, discriminatory workplace practices, and abuses of bodily autonomy have been established by landmark decisions. For instance, the Vishaka ruling operationalized sexual harassment at work as a breach of Articles 14, 15, and 21. In a same vein, decisions prohibiting discriminatory pregnancy or marriage termination in the workplace have strengthened the equal treatment principle found in the constitution.

The Indian Constitution expresses a complex, egalitarian vision for women's rights by combining a ban on discrimination with positive responsibilities for particular protection. In addition to condemning overt gender inequality, it affirmatively commands the State to actively remove structural obstacles that prevent women from fully participating in society and maintaining their dignity.

India has been able to establish a multi-layered legislative and policy framework for women's welfare and empowerment because to this fundamental legal architecture. This framework is based on constitutional supremacy and is interpreted through gender-responsive jurisprudence.

Key Statutory Laws Safeguarding Women

In order to handle the wide range of issues that women encounter in society, India has created a complex legal framework. These laws support women's socioeconomic emancipation while simultaneously shielding them from prejudice and abuse.

One of the cornerstone acts is the Protection of Women from Domestic Violence Act, 2005, which provides comprehensive protection for women vulnerable to domestic abuse, extending beyond physical violence to encompass emotional, verbal, sexual, and economic abuse. It gives women the ability to safely leave abusive situations by enabling them to request protection orders, residency rights, financial relief, and child custody.

In order to counteract the pervasive social evil of dowries, which had led to widespread harassment and violence against married women, the Dowry Prohibition Act of 1961 was passed. In an effort to stop dowry-related atrocities, this law makes the giving and receiving of dowries illegal and punishes those implicated, including family members who support such demands.

Building on the principles set forth by the Supreme Court's Vishaka ruling, the Sexual Harassment of Women at Workplace

(Prevention, Prohibition and Redressal) Act, 2013, formalizes procedures for stopping and dealing with sexual harassment in the workplace. This law aims to establish safe and respectful work conditions for women, requires organizations to have internal complaints committees, and offers methods for prompt remedy.

Pregnant women's employment rights are safeguarded under the Maternity Benefit Act of 1961, which provides paid maternity leave, medical bonuses, and nursing breaks. In addition to promoting reproductive health, this law attempts to stop pregnancy-related discrimination against female employees.

The Prohibition of Child Marriage Act, 2006 forbids marriage below the legal age and declares child marriage voidable in order to shield young girls from early and forced marriages. Additionally, it protects girls from exploitation and lack of education by imposing penalties on anyone who solemnize or encourage such marriages.

By ensuring equal compensation for equal labor, the Equal Remuneration Act of 1976 addresses wage difference and fights salary discrimination that frequently affects women in a variety of industries. The promise of economic fairness and equality found in the constitution is emphasized by this statute.

Recent changes to the Medical Termination of Pregnancy Act have increased access to safe abortion procedures and acknowledged women's autonomy over their bodies, thereby expanding women's reproductive rights. The rights of the women engaging in surrogacy are further protected under the Surrogacy (Regulation) Act, 2021.

When taken as a whole, these laws provide a strong legal framework that addresses both preventative and corrective aspects of women's rights. The laws seek to create a society in which women can live free from violence, discrimination, and exploitation while having equal possibilities for both economic and personal development. They do this by

combining criminal penalties, protective measures, and welfare provisions.

However, the success of these laws frequently depends on how they are implemented, how aware women are of them, and how sensitive enforcement agencies are, which calls for constant efforts to close the gap between the goal of the legislation and the reality on the ground. These laws, which demonstrate India's dedication to strong gender equity, are constantly changing in response to new problems and societal shifts.

Institutional Mechanisms and Policy Initiatives

A variety of institutional structures and policy efforts greatly contribute to India's development in protecting and advancing women's rights. These institutions operate at both the federal and state levels, forming an ecosystem that supports social empowerment initiatives, welfare programs, and legal safeguards catered to the unique requirements and difficulties faced by women.

The National Commission for Women (NCW), a statutory organization founded in 1992, is at the forefront. Examining current laws and policies that impact women, looking into complaints of rights breaches, and suggesting actions to the government to better women's position are all part of the NCW's mandate. It actively monitors implementation gaps and promotes improved governance regarding gender-related issues, acting as a crucial conduit between women residents and the state.

A number of important legislative initiatives aimed at empowering women in a variety of fields complement the institutional structure. The National Policy for Women, which was first developed in 2001 and updated in 2016, emphasizes women's development, safety, health, education, and economic involvement in order to present a complete approach to gender equality. It supports affirmative action policies, protective laws, and the eradication of gender stereotypes.

The National Education Policy (NEP) 2020, which seeks to boost female enrollment, lower dropout rates, and offer chances for skill development, emphasizes educational empowerment. In order to promote girls' continued involvement, the strategy adopts a gender-sensitive approach to curriculum content and educational surroundings.

Targeted initiatives like "Beti Bachao, Beti Padhao" (Save the Girl Child, Educate the Girl Child), which was started to counteract falling child sex ratios and advance girls' education, demonstrate India's dedication to women's welfare. To promote the survival and development of girls, this project combines efforts from the fields of education, nutrition, and health.

The long-pending Women's Reservation Bill, which suggests reserving one-third of all seats in Parliament and state legislatures for women, is another measure the administration has taken to increase the representation of women in politics. This proposal aims to improve women's voice and participation in policymaking, hence strengthening gender-sensitive governance, while complete legislative enactment is still pending.

Similar commissions and departments devoted to women's development have been established by state governments, which frequently work with NGOs and civil society to carry out welfare programs locally. These include initiatives for financial inclusion (such as self-help groups), skill development, and violence prevention.

However, efficient coordination, sufficient finance, careful oversight, and persistent political will are critical to the effectiveness of these institutional and policy structures. Without these, the objectives of women's empowerment and gender equality run the risk of becoming idealistic rather than actualized.

In conclusion, a vital infrastructure for defending women's rights in India is formed by the network of institutional processes and policy initiatives.

They seek to establish favorable conditions for women's holistic development and protection by integrating legislative oversight, welfare providing, and empowerment initiatives.

Judicial Innovations and Case Law

By interpreting legislation with a gender-sensitive perspective and rendering significant rulings that have increased protections and resolved ambiguities, the Indian judiciary has played a significant role in influencing the legal landscape pertaining to women's rights. In addition to upholding constitutional rights, courts have developed new legal doctrines to address new issues that women face.

The Supreme Court recognized sexual harassment at work as a violation of fundamental rights protected by Articles 14 (Equality before law), 15 (Prohibition of discrimination on grounds of sex), and 21 (Right to life and personal liberty) in the landmark case of *Vishaka v. State of Rajasthan* (1997). The Court developed the Vishaka Guidelines to prevent and address workplace sexual harassment in the lack of explicit law at the time. These guidelines later served as the foundation for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Supreme Court examined the tension between personal laws and the equality provisions of the Constitution in *Sarla Mudgal v. Union of India* (1995). The Court emphasized the value of gender justice over religious personal regulations by ruling that Muslim males could not convert to Hinduism in order to get married again. Discussions over the Uniform Civil Code, which would safeguard women's rights regardless of faith, were spurred by this ruling.

In another significant decision, the Supreme Court invalidated Section 497 of the Indian Penal Code, which made adultery a crime, in *Joseph Shine v. Union of India* (2018). The Court ruled that the law was unconstitutional because it violated women's rights to equality and dignity and viewed them as their husbands'

property. The liberty and equality of women in marriage were upheld by this ruling.

In *Laxmi v. Union of India* (2015), the Supreme Court upheld the State's constitutional duty to protect women against acid assaults by interpreting the right to life under Article 21 to include the right to live with dignity. This resulted in strict rules governing the sale of acid as well as recommendations for treating survivors of acid attacks.

Additionally, the Supreme Court overturned exceptions that permitted sexual relations with a minor wife under the age of eighteen in *Independent Thought v. Union of India* (2017), stating that consent is irrelevant in these situations and upholding laws that forbid child marriage.

These judicial actions show a trend in which courts aggressively apply constitutional principles to close legislative gaps, protect women's equality and dignity, and creatively address social circumstances. In order to ensure that women's rights change in step with shifting societal settings and difficulties and to set precedents for comprehensive gender justice, judicial activism continues to support legislative initiatives.

[Publicly accessible judicial documents serve as the basis for the synthesis of case laws and principles for scholarly interpretation.]

Persistent Challenges

Significant obstacles still stand in the way of the complete achievement of gender equality in India, despite the country's broad legal safeguards and progressive judicial interpretations intended to defend women's rights. The gap between the legislation and its implementation is a major problem. Many women, particularly those who live in remote and underprivileged areas, are still ignorant of their legal rights and do not have access to helpful organizations or efficient legal assistance. This makes it more difficult to promptly address infractions and erodes public trust in the legal system.

Deeply ingrained customs, such as child marriage, dowry-related harassment, and honor-based violence, continue despite explicit legal prohibitions. These cultural barriers prevent women from reporting abuses or asserting their rights because they fear social rejection or retaliation. Enforcement agencies, such as the police and judiciary, occasionally display gender bias or lack sensitivity, which contributes to the underreporting of crimes like sexual harassment and domestic violence. Slow court procedures and case backlogs further complicate vulnerabilities for many women, exposing them to multiple levels of exclusion and injustice.

New issues like cyberstalking, online abuse, and digital harassment necessitate ongoing legal revisions and specialized enforcement strategies. Furthermore, women's empowerment is hampered by economic inequality and a lack of educational possibilities, which increases their vulnerability to exploitation.

A multifaceted strategy is required to address these enduring issues: raising women's legal literacy and awareness; educating the police, courts, and service providers; bolstering institutional frameworks; and promoting social change via community involvement and education. The promise of women's rights can only be translated into practical protection and empowerment in daily life via concerted work at the legal, administrative, and cultural levels.

[Public institutional reports and studies on gender justice issues were used to create this analysis.]

Intersectionality and Ongoing Reforms

In order to comprehend the intricate and different experiences of women within India's heterogeneous social fabric, the idea of intersectionality has grown in importance. It acknowledges that in addition to gender, other interrelated elements including caste, class, religion, ethnicity, disability, and geography also influence women's identities and difficulties.

These overlapping identities frequently lead to unequal access to rights and services, exacerbating prejudice and marginalization for marginalized groups.

For instance, Dalit and tribal women may face many levels of social and economic discrimination that increase their susceptibility to poverty, violence, and a lack of educational possibilities. Customized legal and policy solutions that go beyond a one-size-fits-all framework are required to address this intersecting marginalization. Although the Indian legal system and policymakers have started to recognize this through specific social programs and particular provisions within more general legislation, the implementation is still unequal.

By encouraging inclusive and context-sensitive methods, ongoing reforms seek to address these complex issues. Increasing the presence of varied women in political, judicial, and administrative spheres, improving data collecting to record intersectional inequities, and amending laws to specifically protect marginalized women are some of the initiatives. In order to distribute resources more fairly, gender budgets and affirmative action laws are increasingly taking intersectional factors into account.

By acknowledging how multiple identities affect women's experiences of violence and discrimination, judicial rulings are increasingly reflecting intersectional viewpoints. This has resulted in more complex rulings that aim to offer all-encompassing solutions.

To further enhance the efficacy and responsiveness of legal protections, reform attempts highlight the necessity of intersectional gender sensitization training for government personnel, law enforcement, and the judiciary.

Despite these advancements, mainstreaming intersectionality in legal and policy frameworks at all levels still faces formidable obstacles. Sustained efforts are needed to address the

structural injustices that underprivileged women face and to make sure that reforms are inclusive and transformative in order to achieve true gender justice.

In conclusion, enhancing the rights and empowerment of all Indian women—especially those who face various and overlapping types of discrimination—requires incorporating intersectionality into social policies and legal reforms.

Conclusion and Recommendations

India's institutional and legal systems uphold a strong constitutional and statutory commitment to gender equality and women's rights. A comprehensive system designed to protect women from assault, discrimination, and social exclusion while fostering their empowerment in all areas has been established over the decades through important legislative reforms, judicial activism, and policy initiatives. However, the promise of gender equity is still not fully realized because of enduring institutional, sociocultural, and financial obstacles, as the facts on the ground demonstrate.

A multifaceted strategy is required to address these issues. First, it is crucial to strengthen the application of current legislation. This includes setting up more fast-track courts dedicated to crimes against women, ensuring sensitivity training for police and judiciary, and establishing robust monitoring mechanisms to improve accountability. Legal awareness campaigns should be intensified, especially in rural and marginalized communities, to empower women with knowledge of their rights and available remedies.

Second, it is crucial to increase and enhance institutional support systems. Priority must be given to improving One Stop Centers (OSCs) that offer integrated services, including medical care, legal assistance, counseling, and rehabilitation. Expanding safe shelters for victims of abuse and improving access to mental health and career help should be the

main goals of government and civil society collaborations.

Third, structural change depends on advancing women's political representation and leadership. Women's opinions will be heard in policy decisions that impact their lives if reservations for women in legislative bodies are implemented more quickly and leadership capability is developed through mentorship and training programs.

Fourth, sustainable empowerment requires addressing structural obstacles like digital divides, economic disadvantage, and educational inequalities. Initiatives to boost female economic participation, digital literacy, and literacy must be expanded, particularly in formal sectors and growing gig economies. Focused attention must be given to policies that address the intersectional vulnerabilities of Dalit, tribal, and marginalized women.

Lastly, persistent efforts through gender sensitization in communities, businesses, and schools are necessary to change deeply ingrained social views and patriarchal practices. In order to create a society that respects and supports women's dignity, public campaigns that challenge stereotypes, advance gender equality, and alter attitudes are essential.