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## **Legal Status, Rights and Challenges of Women in India: A Constitutional and Socio-Legal Analysis**

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### **Abstract:**

Women in India occupy a unique position within its constitutional and legal framework. While the Indian Constitution guarantees equality and non-discrimination (Articles 14, 15, 16) and provides special provisions for women's welfare (Articles 15(3), 39(d), 42, 51A(e)), social, economic and cultural challenges continue to undermine these rights. This paper examines the historical trajectory of women's status from the Vedic period to the present, analyzing how cultural norms, religion and socio-political developments have shaped women's roles. It outlines key legal protections such as the Dowry Prohibition Act, Maternity Benefit Act, Domestic Violence Act, Sexual Harassment laws and others. The paper discusses women's position in the family, access to education, employment, property and political representation, including reservations. It critically reviews state initiatives, persistent discriminatory laws (e.g., inheritance laws, marital rape exemption) and safety concerns, supported by statistical data. Additionally, it addresses misuse of protective provisions, such as Section 498A IPC and the social consequences of false complaints. By combining constitutional analysis, statutory review and socio-legal critique, the paper argues for stronger implementation, legal reforms, gender-sensitive policies and education to ensure true equality and safety for women.

**Keywords:** Women's rights; Indian Constitution; gender equality; women's safety; education; reservations; family law; misuse of laws; social justice.

### **Introduction:**

When a female has completed her childhood and adolescence, or has reached the age of majority, she is legally referred to as a female. The Indian government has enacted a number of regulations to ensure that our country's women are treated equally and that their lives are safeguarded against terrorist acts and crime. The "citizens of India have fundamental rights and fundamental responsibilities" under the Indian Constitution and each and every citizen has equal access to these rights and responsibilities. "All Indian women are guaranteed equality (Article 14), no discrimination by the state (Article 15(1)), equality of opportunity (Article 16) and equal pay for equal work (Article 39(d)) by the Indian Constitution. Furthermore, it permits the State to make special measures in favour of women and children (Article 15(3)), renounces behaviours that are demeaning to women's dignity (Article 51(A) (e)) and authorises the State to make rules for assuring reasonable and humane working conditions and maternity relief (Article 42)" [3]. If we



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go back quite far in our country's history, we can see the women's plight from the beginning. During the Vedic and pre-Vedic periods, women held equal status and rights, according to studies. Around 500 B.C., Throughout the mediaeval period, when child marriages and a prohibition on widow remarriage became popular in many Indian civilizations, the status of Indian women in this country deteriorated even further. Purdah was introduced to Indian society after the Muslim invasion of the Indian subcontinent. The Jauhar was practised among Rajasthan's Rajputs. In some parts of India, Devadasis were brutally raped. Polygamy was common among Hindu Kshatriya monarchs for political reasons. Women were often restricted to Zenana areas of the house in many Muslim households. Many reformers battled for the wellbeing of women during the British reign. Women also had a role in India's war for freedom. Women's conditions began to improve under British control. "In India, women now have equal access to education, sports, politics, the media, art and culture, the service industry, science and technology and other fields." Indira Gandhi is the world's longest-serving female Prime Minister, having been in office for a total of fifteen years. The Indian government has enacted a number of laws and policies to benefit women.

## **Women's Legal Status in India**

In India, women have legal protection to defend their financial, cultural and social existence. These are only a few examples of the Indian government's efforts to protect women's lives. "Dowry Act of 1961, Maternity Benefit Act of 1861, Births and Deaths and Marriages Registration Act 1886, Medical Termination of Pregnancy Act 1971, National Commission for Women Act 1990" (3). Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1999, Protection of Women from Domestic Violence Act 2005, Sexual Harassment of Women at Work (Prevention, Prohibition and Redress) Act 2005, Sexual Harassment of Women at Work.

## **Women in the Family**

A family is a collaborative effort entity built on shared interests and mutual assistance. A family's most important duty is that of a woman. To have a happy family, You will require the assistance of your husband, children and in-laws. Previously, women were only treated as housekeepers. She has a responsibility to her children, in-laws and spouse. However, the situation has now changed; women now have an equal status in the home and contribute more than their husbands.

They work for the family and are in charge of all housework. Women are increasingly leaving the house to live their lives on their own terms. In today's world, a woman's contribution exceeds that of a man. "Guardians and Wards Act 1890, Married Woman's Property Act 1872, Indian Succession Act 1925, Dowry Prohibition Act 1961, Hindu Marriage Act 1955, Muslim Women (Protection of Rights of Divorce) Act 1986 are the acts that apply to working women and housewives".



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## **Education and Women**

Female rights in India contributes considerably to the advancement of the country's living conditions. A higher rate of female literacy improves the quality of life both inside and outside the home by supporting and promoting the education of children, particularly female children and lowering the newborn mortality rate. Women with lower literacy rates have been linked to greater rates of reduced fertility and neonatal mortality, as well as worse nutrition, reduced earning capacity and a lack of competence to influence family decisions, according to several research. Women's lower educational levels have been found to have a negative impact on children's health and living conditions.

Higher education in India is defined as education for people aged 18 to 24 and it is primarily funded by the government. Despite the fact that women account for between 24 and 50% of college students, there is still a gender gap in higher education. Women make up only one-third of science students and 7% of engineering students. Women, on the other hand, make up more than half of all education students. So that the British Raj to the Republic of India's establishment in 1947, the percentage of literate women in India's female population ranged from 2 to 6%. The rate of improvement grew from 15.3 percent in 1961 to 28.5 percent in 1981 as a consequence of sustained efforts. By 2001, women's literacy had surpassed 50 percent of the total female population, but it remained low in comparison to global norms and even male literacy within India. The “Saakshar Bharat Mission for Female Literacy” was just started by the Indian government. This mission intends to reduce female illiteracy to half of what it is now.

## **Economic, social and cultural rights of women**

In India, a campaign is only getting started to ensure women's economic, social and cultural rights as a fundamental human right. The movement seeks to integrate women's rights within a broader human rights framework, moving away from limiting women's issues to violence and reproductive rights. ESCR attempts to address women's broader concerns, such as poverty, housing, unemployment, education, water, food security, trade and so on. While the global human rights movement is largely constrained at the international policy level, grassroots movements are sprouting up all over the world. Projects like the “Programme on Women's Economic, Social and Cultural Rights (PWESCR)” in India aim to strengthen the women's rights movement in India by promoting equality in all aspects of women's lives.

In India, women's economic opportunities are fast changing since they are equal to males in every field, whether organised or unorganised. Women working in the unorganised sector require exposure.

## **Reservations for women**

Women in India have been thought to be kept at home to serve their husbands, children and in-laws. Their rights were not protected and they were denied equal chance in all aspects of life,



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including social, economic, political and cultural opportunities. Women's reservations were formed to provide them with exposure and to persuade Indian culture that women are not in any way inferior to men. A 1993 constitutional amendment requires that one-third of village council leaders or pradhan positions in gramme panchayats be reserved at random for women.

This reservation will be extended to parliament and legislative assemblies in the future. In India, for example, certain law schools have a 30% female reservation. In India, progressive political opinion is firmly in favour of giving women preferable consideration in order to level the is playing in the field for all residents. “The Rajya Sabha passed the Women's Reservation Bill on March 9, 2010, with 186 members voting in favour and one voting against”. The bill has yet to be voted on in the Lok Sabha as of March 2013. Critics argue that gender cannot be used as a sole basis for reservation and that other variables such as a woman's economic and social circumstances, particularly when requesting for reserve for educated women, should be taken into account.

Women's reservations are also in high demand under existing reserves such as “OBC, SC/ST and Physically Handicapped, among others. Some feminist organisations maintain that women's reserves should be at least 50% because they constitute half of the population” (8).

## **Women's initiatives at the state level**

In January 1992, the government established the National Commission for Women to investigate and monitor all issues concerning women's safety, as well as to examine existing legislation and propose and advise on amendments as needed. The national plan of action for the female child (1991-2000) aimed to assure a girl child's survival, existence and growth, with the ultimate goal of ensuring a girl child's better future. The National Policy for Women's Empowerment (2001) sought to promote women's advancement, development and empowerment.

As long as these some laws are on the books, Indian women will never be equal.

- The Goa law on polygamy - The polygamy rule in Goa allows a Hindu man to remarry if his current wife is unable to bear a male kid until he reaches the age of 30. And this law is just the beginning of the country's legalised misogyny.
- Hindu law of inheritance – A woman's property is handled differently than a man's when she dies without a will. Even if the deceased lady was mistreated in her married house, her property will be distributed to her husband's mother or father rather than her biological mother and father.
- Parsi's law of inheritance - Despite the fact that it is legal, Parsis chastise those who marry outside their group. A non-Parsi woman who marries or widows a Parsi has no claim to inherit. Their children can do so as well, albeit children born to a Parsi lady who marries a non-Parsi man are not considered Parsi.
- Prohibition of a child marriage act - The legislation simply prohibits child weddings; it does not make them illegal once they have taken place. The children of married



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parents have the right to have their parents' marriage annulled. A woman can cancel her marriage until she is 20 years old, but a man can cancel his marriage until he is 23 years old.

- Age of consent - Rape is defined as sexual contact with a female without her consent. Even if his wife is a juvenile and refuses to consent, a man can have sex with her lawfully. In India, rape in the bedroom is not a crime.
- No right to marital property - An Indian woman is only allowed to help from her husband if the couple divorces or separates. She has no right to the assets acquired in her husband's name during the marriage, such as a house or business property. So, even years after the marriage, if she leaves or divorces him, she may be left with no assets. Government policies in India do not value a woman's labour at home as having economic worth.

## **The situation of women's safety in India**

The Indian government has enacted a slew of laws and policies to protect women's lives in the country. Women's lives are still not totally protected, despite such laws, norms and limits. Men and women are unequal in every element of life in the country, including education, governance and economic opportunities. “According to the most recent women's statistics, one bride was murdered every hour in 2010 due to dowry demands (National Crime Records Bureau). Almost half of Indian females marry before the age of 18. (International Centre for Research on Women). One in every five Indian women, including many child moms, dies during pregnancy or childbirth (the United Nations)” (7). Female infanticide and female foeticide are responsible for up to 50 million girl deaths worldwide. Sixty-six percent of women who have been physically assaulted at some point in their lives are divorced, widowed, or abandoned. 85.3 percent of women who have experienced domestic abuse blame their spouses. Women and girls from India's northeast have faced social prejudice, marginalisation and, in some cases, physical violence in metropolitan areas.

## **The Amount of Misuse**

After being harassed by their husbands or in-laws, many women file a 498A complaint. Many of them live in remote areas, either unaware of the legislation or without the financial and spiritual support they require from their original families. Only 2% of women have a valid case, according to the conviction rates reported by numerous judges and the Centre for Social Research.

98 percent of women who file 498A claims live in cities and are either self-sufficient or have adequate family support. When one daughter-in-law files a false complaint, at least two other women (an innocent sister-in-law and mother-in-law) are arrested and subjected to years of stress, humiliation and harassment at the hands of dishonest cops, attorneys, court personnel and authorities before being vindicated. So, in every 100 cases, two women are treated fairly, while the other 98 are subjected to perjury and extortion, causing countless women to suffer





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unnecessarily. In the event of marital troubles, wives fabricate a growing number of cases in order to frighten, extort money from and inflict revenge on their husbands and in-laws. False charges of sexual harassment, molestation and rape have also been made by female employees in order to terrify male coworkers and bosses, extort money and discredit them.

## Conclusion:

The constitutional framework of India recognizes women as equal citizens, with specific provisions to protect and promote their rights. Over the years, several statutes have been enacted to secure equality in education, employment, marriage, inheritance and workplace safety. Yet, deep-rooted patriarchal norms, discriminatory customs and loopholes in legal implementation continue to hinder progress. Violence, dowry deaths, female foeticide and unequal property rights remain challenges. While legislative interventions like the Domestic Violence Act, Sexual Harassment laws and reservations in local governance have advanced gender justice, inconsistent enforcement and societal attitudes limit their effectiveness. Conversely, the misuse of laws such as Section 498A IPC, though statistically smaller compared to genuine cases, has raised concerns of fairness and highlights the need for balanced mechanisms. Ultimately, improving women's status requires not just laws but also social change, awareness, education and empowerment programs. The State must continue legal reforms, ensure timely justice and address emerging issues such as workplace equality and digital safety. True empowerment will come when women's rights are protected, respected and normalized at every level—legal, social and cultural.

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