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EQUALITY OF STATUS OF WOMEN IN INDIA

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ABSTRACT

To awaken the people, it is women who must be awakened; once she is on the move, the village move and the nation move. The issue of gender equality and the status of women has been one of the most important discussions in India for centuries. The Indian Constitution guarantees equality to women through a variety of provisions, which are aimed at ensuring that women are treated with dignity, respect, and fairness. Article 14 establishes the principle of equality before the law, guaranteeing equal legal protection for all individuals, including women. Article 15 prohibits any form of discrimination based on religion, race, caste, sex, or place of birth. Article 42 mandates the state to create fair and humane working conditions, including maternity benefits, addressing the specific needs of women in the workforce. Article 51A calls upon Indian citizens to reject practices that undermine the dignity of women, promoting respect and equality in society. The status of women in India has significantly progressed since the nation gained independence. Legal initiatives, forward-thinking policies, and increased social consciousness have played vital roles in raising women's status in the country.

Keywords: Gender Equality, Women's Rights, Constitutional Provisions, Legal Reforms, Education for Women, Women Empowerment,

Introduction

To awaken¹⁰⁶ the people, it is women who must be awakened; once she is on the move, the village move and the nation move. The issue of gender equality and the status of women has been one of the most important discussions in India for centuries. Historically, Indian society was predominantly patriarchal, and women were often relegated to subordinate roles in the family and society. The world inequality report 2022¹⁰⁷ in labour income is highly disproportionate as 82% for men and only 18% for women. The situation for women in India

remains unstable as they encounter numerous obstacles in areas such as education, healthcare employment, public safety, domestic life and the workplace., there have been considerable advancements over time, with legal, social, and economic reforms aimed at enhancing the status of women. The introduction of the Indian Constitution in 1950 marked a significant milestone, acknowledging women's rights and laying down provisions for their equality.

Constitutional Provisions

The Indian Constitution guarantees equality to women through a variety of provisions, which

¹⁰⁶ Jawahar Lal Nehru said: to awaken the people, it is women who must be awakened; once she is on the move, the village move and the nation move

¹⁰⁷ <https://chahalacademy.com/status-of-women-in-india>

are aimed at ensuring that women are treated with dignity, respect, and fairness.

Article 14 establishes the principle of equality before the law, guaranteeing equal legal protection for all individuals, including women. It serves as a constitutional basis for preventing discrimination based on sex and promoting gender equality.

Article 15 prohibits any form of discrimination based on religion, race, caste, sex, or place of birth. It empowers the government to implement special measures for women, leading to affirmative action aimed at enhancing their status across various sectors.

Article 16 guarantees equal opportunities in employment and appointments within the state, explicitly forbidding discrimination based on sex. It also requires the implementation of special provisions to support women's advancement and active involvement in society.

Articles 39(a) and 39(c) instruct the state to ensure that men and women receive equal pay for equal work and to provide women with sufficient means of livelihood, enabling them to live with dignity.

Article 42 mandates the state to create fair and humane working conditions, including maternity benefits, addressing the specific needs of women in the workforce.

Article 51A calls upon Indian citizens to reject practices that undermine the dignity of women, promoting respect and equality in society.

Legal Reforms and Policies: –

Several legal reforms have been introduced over the decades to safeguard the rights of women and to provide for their equality in all spheres of life.

The Dowry Prohibition Act (1961)¹⁰⁸: The issue of dowry has been a significant social concern leading to violence against women. This act has

banned the practice of dowry, making it a punishable offense. By curbing the dowry system in India, it aims to foster fairness in marital relationships.

The Maternity Benefit Act (1961)¹⁰⁹: Additionally, the act guarantees that women are entitled to paid maternity leave, offering financial support to working mothers during childbirth. This is vital, as it can be challenging for them to maintain their livelihood without an income during this time. The legislation stipulates a minimum of 12 weeks of maternity leave for mothers, which was extended to a maximum of 26 weeks following the 2017 Amendment. Throughout this period, employers are required to provide full salary payments.

The Equal Remuneration Act (1976)¹¹⁰: This law requires that women receive the same pay as men for similar work, aiming to address the wage between genders in the market. It is backed by multiple international agreements and labor regulations that promote fair employment practices, striving to eliminate income disparities and enhance equality within society.

The Domestic Violence Act (2005)¹¹¹: This legislation establishes a detailed legal aimed at protecting women from domestic violence. It grants women the right to pursue and legal recourse against any form of violence occurring at home. Strict measures are enforced on husbands who harass, abuse, mistreat their wives and it provides protection, residence orders, as well as financial support to ensure the safety well-being of women. The law requires that women receive equal pay for equal work, with the goal of addressing wage disparities between genders in the workplace. This initiative is reinforced by various international agreements and labor regulations designed to promote fair labor practices, eliminate wage

¹⁰⁸ https://www.indiacode.nic.in/bitstream/123456789/5556/1/dowry_prohibition.pdf

¹⁰⁹ https://www.indiacode.nic.in/bitstream/123456789/17115/1/maternity_benefit.pdf
¹¹⁰ <https://labour.gov.in/womenlabour/equal-remuneration-acts-and-rules-1976>
¹¹¹ <https://wcd.delhi.gov.in/scert/protection-women-domestic-violence-act-2005>

inequality, and encourage equity within the work environment.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (2013)¹¹²: This legislation has been pivotal in empowering women and advancing their rights. Additionally, the law aims to shield women from sexual harassment in the workplace, promoting a safer and more inclusive environment. It requires the creation of internal committees and a POSH policy to handle complaints and ensure prompt resolution of these cases.

The Hindu Succession Act, 1956¹¹³: – Hindu Succession (Amendment) Act 1956 provides women with rights to inherit joint family property. This significant amendment marked a crucial step toward gender equality, ensuring that women are recognized as beneficiaries like their male counterparts, thereby eliminating discrimination based on gender in matters of inheritance.

Challenges in Achieving Equality

Despite the legal provisions, the status of women in India continues to face challenges in various areas.

Education and Employment: – While there have been notable advancements in female literacy rates, the All India Survey on Higher Education (AIS 2021-22)¹¹⁴ indicates that the female gross enrollment ratio (GER) rose to 28.5 in 2021-22, up from 27.9 in 2020-21. However, girls are still more prone to dropping out of school and remain underrepresented in higher education and specific career fields. Gender discrimination in hiring practices and wage disparities continue to exist. To address issues such as economic barriers, lack of infrastructure, and societal attitudes against educating girls, it is crucial to implement better initiatives like infrastructure enhancements, awareness campaigns, and

scholarship programs to boost women's participation in both education and the workforce.

Violence Against Women: – Gender-based violence, encompassing domestic abuse, sexual harassment, and human trafficking, continues to be a pressing issue. Despite the existence of legal protections, the implementation of these laws is often weak, and societal attitudes towards women contribute to the perpetuation of violence. Steps including creating awareness program, fostering culture of respect and access to Swift justice, providing helpline service, counselling programme would be imperative steps to strengthen and aid victims and survivors.

Patriarchal Norms and Stereotypes: Despite progress, deeply ingrained patriarchal norms continue to shape the lives of many women, especially in rural communities. Traditional roles often restrict women's involvement in public life, while gender stereotypes hinder their personal growth opportunities. From an early age, girls are raised differently than boys, which ingrains these disparities throughout their lives and establishes distinct roles for each gender. This social division confines women to household responsibilities, fostering expectations of being dutiful wives, while boys are encouraged to pursue careers to secure financial stability. Consequently, women often lead lives characterized by subordination and frustration.

Political Representation: – While there have been improvements in women's participation in politics, after the **Nari Sakti Vandan Adhiniyam¹¹⁵** which gives 1/3 reservation for women in parliament and state legislature. But before it's implementation only 14% women were in parliament and less than 10% in 19 state legislative assembly far below the global average of 24.6%. Even after 73 constitutional amendments which mandate 1/3 reservation at Panchayat level doesn't empower women due to proxy politics as they were represented by their relative and husband which losses the

¹¹² <https://wcd.delhi.gov.in/wcd/sexual-harassment-women-workplaceprevention-prohibition-and-redressal-act-2013sh-act-2013>

¹¹³ <https://www.indiacode.nic.in/handle/123456789/1713>

¹¹⁴ <https://www.hindustantimes.com/ht-insight/gender-equality-in-india-progress-challenges-and-solutions-101730457778734.html>

¹¹⁵ <https://chahalacademy.com/status-of-women-in-india>

fundamental purpose of giving opportunity to them. These gender-specific barriers, including societal expectations and lack of access to resources, hinder women from entering politics.

Access to Healthcare: – Women in many parts of India still lack access to quality healthcare services, especially in rural areas. Issues like maternal health, malnutrition, and reproductive health often go unaddressed, leading to higher rates of maternal and infant mortality. As per NFHS-5¹¹⁶ Indian women are precarious 57% having anaemia and violence against women is also rising nearly third of women in India has experienced physical or verbal abuse.

Safely Challenges: – Apart from the above-mentioned challenges, one of major issues with women are their safety as crime against them are rising day by day which eventually undermine their empowerment and their fundamental rights. They facing safely issues at public place including groping, eve teasing, molestation and even rape. The latest National Crime Records Bureau statistics 2022¹¹⁷, report said 4,45,256 cases of crime against women were registered in 2022, an increase of 4% compared to 4,28,278 in 2021. Third of every case is of cruelty by husband and second highest crime was of kidnapping and abduction.

Conclusion:

The status of women in India has significantly progressed since the nation gained independence. Legal initiatives, forward-thinking policies, and increased social consciousness have played vital roles in raising women's status in the country. Nevertheless, obstacles persist in various sectors, particularly due to the entrenched patriarchal attitudes that continue to impede women's advancement. Moving forward, it is essential to not only fortify legal protections and policies but also to shift societal perceptions regarding women. Empowering women through education,

financial independence, and involvement in politics will be crucial for realizing true gender equality in India.

¹¹⁶ <https://chahalacademy.com/status-of-women-in-india>

¹¹⁷ <https://currentaffairs.khanglobalstudies.com/crime-against-women-rises/>