

WOMEN'S FREEDOM UNDER THE INDIAN CONSTITUTION: A CRITICAL ANALYSIS OF ARTICLES 14, 15, AND 21

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Abstract

Women's freedom is the cornerstone of constitutional democracy and social justice. This research paper critically examines the scope and impact of Articles 14, 15 and 21 of the Indian Constitution in the light of safeguarding and advancing women's freedom in India. It analyses judicial interpretations of these fundamental rights to assess how they address issues of equality, non-discrimination, and personal liberty for women. The paper provides a relationship between constitutional law and women's freedom and contributes to the ongoing discourse on gender justice in India. The paper highlighted that constitutional jurisprudence has evolved and secured genuine freedom for women, but stronger legislation, comprehensive policy reforms and social transformation remain needed.

INTRODUCTION

The question of women's freedom in India is inseparably linked with constitutional values of equality, liberty, and dignity. India is the original home of the Mother Goddess. In ancient India, there are many instances of women scholars and women rulers. History shows that women in India have always been honoured and respected. Instead of that, there are also instances of patriarchal customs, discriminatory practices, and socio-economic marginalization. The constitution is firmly grounded in the principles of liberty, fraternity, equality, and justice. It emphasises the importance of greater equality for all and includes a number of provisions to empower women. Women's right to equality and non-discrimination are defined as justiciable fundamental rights.

Articles 14, 15, and 21 of the Constitution occupy a central place in this framework. Article 14 states the principle of equality before the law; Article 15 prohibits discrimination on grounds of sex and permits special provisions for women; and Article 21 guarantees life and personal liberty. All these articles have been judicially expanded to include dignity, privacy and autonomy of women. Together, these provisions form the constitutional foundation for women's freedom in both public and private spheres.

LITERATURE REVIEW

1. Trishala Chettri (2022), in his research paper titled “A Critical Analysis of Gender Justice under the Indian Constitution”:¹

The researcher aims to examine these constitutional provisions and analyze the main issues faced by women and the third gender in society. The major scholarly perspectives on gender justice under the Indian Constitution include key legal developments, ongoing challenges, and the importance of both legal and societal change. The research paper is limited only to Indian constitution and not cover empirical, intersectional, and non-binary focused studies.

2. G. Nandhini and A. Naveen, in his research paper titled “Women’s Rights under the Indian Constitution - Gender Justice”:²

The researcher illustrate women's rights under the Indian Constitution shows that the legal framework—especially Articles 14, 15, 16, and 21. They supported the ideal of article as solid foundation for gender equality. They emphasize the impact of landmark Supreme Court rulings and major laws like the Domestic Violence Act, 2005 and the Sexual Harassment at Workplace Act, 2013 in advancing women's rights.

OBJECTIVES

The following are the objectives of this research are:

1. To examine the constitutional framework governing women’s freedom in India.
2. To analyse the scope and interpretation of Articles 14, 15, and 21 in relation to women’s rights.
3. To evaluate judicial responses to gender-based discrimination.
4. To identify challenges in the implementation of constitutional guarantees.
5. To suggest measures for strengthening women’s freedom and equality.

RESEARCH METHODOLOGY

This study adopts a doctrinal and analytical research methodology. Primary sources include the Constitution of India and landmark judgments of the Supreme Court. Secondary sources

¹ DOI: <https://doi.org/10.1000/IJLMH.113224>

² <https://ijirl.com/wp-content/uploads/2025/07/WOMENS-RIGHTS-UNDER-THE-INDIAN-CONSTITUTION-GENDER-JUSTICE.pdf>

consist of books, research articles, law journals, and reports on women's rights. The research is descriptive and critical in nature, focusing on constitutional interpretation and judicial trends.

RESEARCH PROBLEM

The following are the research problems:

1. Whether Articles 14, 15, and 21 have been effectively implemented to ensure genuine freedom for women.
2. Whether socio-cultural barriers, inconsistent judicial approaches, and weak enforcement mechanisms affect women freedom.

HYPOTHESIS

Despite constitutional guarantees of equality and liberty, women in India continue to face discrimination, violence and restrictions in day-to-day life.

Article 14 and the Judicial Approach to Ensuring Women's Freedom

According to Article 14, "the State shall not deny to any person equality before the law or equal protection of the laws within the territory of India."³ "Equality Before the Law" and "Equal Protection of Laws" both phrases advocate "Equality to status and of opportunity". Article 14 also recognizes that not all laws must be general and that not all laws are applicable to all persons. Hence, it provides for treating different individuals differently when circumstances demand. The following is leading judgment that exemplified the judicial approach in granting women's freedom.

Ram Charan v. Sukhram⁴

In this leading case, the main issue is regarding tribal women inherit right in ancestral property under customary law. The Supreme Court held that a tribal woman is entitled to an equal share in ancestral property, ruling that courts cannot presume customs that exclude women in the absence of evidence. Instead, those denying rights must prove a valid customary exclusion. The court concluded that discrimination without a reasonable and rational classification violates Article 14 and thus struck down the customary rules. This is a

³ Article 14 of the Indian Constitution

⁴ SLP(C)No.5559 of 2023, decided on July 17, 2025

significant step to ensuring women's freedom by assuring inherit right in ancestral property and struck down discriminatory exclusions.

Judicial Interpretation of Article 15 in Advancing Women's Freedom

According to Article 15 the State shall not discriminate against any citizen solely based on religion, race, caste, sex, or place of birth. No citizen shall, solely on these grounds, be subject to any disability, liability, restriction, or condition regarding access to shops, restaurants, hotels, and public entertainment venues; or the use of public wells, tanks, bathing ghats, roads, and places maintained or funded by the State for public use. The judiciary confirm freedom to women under Article 15 by way of following judicial precedents.

Jane Kaushik v. Union of India⁵

In this case, the question is whether transgender persons are living a life with dignity. The Supreme Court broadly interpreted “sex” under Article 15(1) to include gender identity. The Court upheld that discrimination based on gender identity is a form of sex discrimination. This interpretation is crucial in advancing substantive freedom for women and gender-diverse persons by dismantling rigid binary stereotypes that underpin social exclusion.

Arshnoor Kaur & anr. v. the Union of India & ors.

The Supreme Court struck down the Indian Army's policy limiting the appointment of women officers to the **Judge Advocate General (JAG) branch**, rejected the argument that women cannot serve in counter-insurgency or counter-terror forces, and emphasized **gender equality in all combat-support arms**. The Supreme Court invalidated a policy that set **separate caps on women's recruitment**. This decision upheld that gender-based restrictions on equal opportunity violate constitutional equality principles, including Article 15.

The Role of Article 21 and Judicial Intervention in Promoting Women's Freedom

Article 21 of the Indian Constitution, which guarantees the *right to life and personal liberty*, has emerged as one of the most dynamic and transformative provisions through judicial interpretation. Initially construed narrowly, Article 21 has been expansively interpreted by the Supreme Court to include a range of substantive rights essential to human dignity. For women, this judicial evolution has played a pivotal role in promoting freedom, autonomy, and equality by addressing structural discrimination, violence, and social constraints.

⁵ WRIT PETITION (CIVIL) NO. 1405 OF 2023, decided on October 17, 2025

X v. Principal Secretary, Delhi⁶

The main issue in this case was the denial of abortion to unmarried women under the Medical Termination of Pregnancy Act 1971. The court ruled that this practice was discriminatory and violated Article 21. The judgment broadened reproductive autonomy, stating that sexual autonomy and reproductive choices are part of women's dignity and equality under the law. The law should not determine who benefits from a statute based on narrow patriarchal ideas about acceptable sex, as this leads to unfair classifications and excludes people because of their personal situations.

CONCLUSION

Articles 14, 15, and 21 collectively represent the constitutional commitment to women's freedom in India. Judicial interpretation has played a crucial role in transforming these provisions into tools of gender justice. Nevertheless, constitutional guarantees alone cannot eliminate deeply entrenched patriarchy and social inequality. The true realization of women's freedom requires not only progressive jurisprudence but also effective implementation, social awareness, and institutional accountability.

SUGGESTIONS / RECOMMENDATIONS

1. **Strengthen Enforcement Mechanisms:** Effective implementation of gender-sensitive laws through fast-track courts and monitoring bodies.
2. **Judicial Sensitization:** Continuous gender-sensitization programs for judges and law enforcement authorities.
3. **Legal Reforms:** Review and reform personal and customary laws to align them with constitutional principles.
4. **Awareness and Education:** Promote constitutional literacy and gender equality through education and public campaigns.
5. **Intersectional Approach:** Policies should address the compounded discrimination faced by women based on caste, class, and religion.

⁶ SLP (C) No 12612 of 2022, decided on September 29, 2022

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