

A STUDY OF WOMEN'S RIGHTS UNDER THE INDIAN CONSTITUTION: EVOLUTION, ENFORCEMENT, AND THE ROLE OF THE INDIAN JUDICIARY

Hetal Parikh

ABSTRACT:

The Indian Constitution stands as a transformative charter committed to ensuring equality, dignity, and justice for all citizens, with a special emphasis on protecting and empowering women. The constitutional foundations of women's rights, their historical progression, and the judiciary's critical contribution in shaping gender justice in India has played pivotal role in strengthening the constitution. The study explores fundamental rights such as Articles 14, 15, 16, and 21, along with Directive Principles that collectively aim to dismantle structural discrimination and advance substantive equality. The paper focuses on the evolution of women's constitutional rights from the Constituent Assembly debates to contemporary reforms, highlighting how social realities and feminist jurisprudence have influenced legislative and judicial developments. Through an analysis of landmark judgments including *Vishaka v. State of Rajasthan*, *Shayara Bano v. Union of India*, *Joseph Shine v. Union of India*, and *Babita Puniya v. Union of India* the research illustrates how the Indian judiciary has acted as a catalyst for expanding the interpretation of rights, bridging legislative gaps, and reinforcing constitutional morality over societal prejudices. Alongwith that there are still enforcement challenges, including gaps in implementation, societal resistance, institutional barriers, and emerging issues such as cyber harassment, reproductive autonomy, and workplace discrimination. It is argued that while significant progress has been made, achieving genuine gender justice requires stronger enforcement mechanisms, continuous judicial vigilance, and gender-sensitive policy reforms. Overall, this research underscores that the Constitution and the Indian judiciary together form the cornerstone of women's empowerment, continuously shaping an evolving landscape of rights that aspires toward equality, dignity, and inclusive justice for all women in India.

KEY WORDS: Women's Rights, Indian Constitution, Judicial Interpretation, Gender Justice.

INTRODUCTION

The Indian Constitution is not merely a legal document; it is a visionary framework aimed at transforming a deeply hierarchical and unequal society into one grounded in liberty, equality, and justice. From the ancient times women were respected and worshiped, even in manusmriti Manu declared unequivocally “Yatra naarayastu poojayante ramante tatra devatah”¹ It means where Women are respected, divine grace adores that place. But in the recent time considering the situation among the most significant dimensions of this transformative vision is the constitutional commitment to safeguard and advance the rights of women. Historically subjected to social discrimination, economic marginalization, and systemic violence, women in India have long faced structural barriers that restricted their autonomy and participation in public life. Recognizing these entrenched inequalities, the framers of the Constitution embedded within it a comprehensive set of guarantees intended to protect women from discrimination, promote their welfare, and enable their full and equal participation in the nation’s development.

The constitutional provisions relating to women spanning Fundamental Rights, Directive Principles of State Policy, and various enabling clauses establish both negative and positive obligations on the State. Articles 14², 15³, 15(3), 16⁴, 17⁵ and 21⁶ collectively safeguard women’s rights to equality, non-discrimination, equal opportunity, and dignity. Beyond this, Directive Principles such as Articles 39⁷, 42⁸, and 44⁹ and also under fundamental duties including Article 51 (A) (e)¹⁰ urge the State to create conditions conducive to women’s economic security, humane working conditions, and broader social reforms. Also under article 300 A ensures right to property to women. Together, these provisions form a robust constitutional foundation for gender justice. However, the mere existence of constitutional guarantees does not automatically ensure their effective realization. The Indian judiciary has played and continues to play a pivotal role in interpreting, expanding, and enforcing women’s

¹ Manusmriti, Chapter 3, Verse 56.

² Right to Equality

³ Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

⁴ Equality of opportunity in matters of public employment.

⁵ Abolition of Untouchability.

⁶ Protection of life and personal liberty

⁷ Certain principles of policy to be followed by the State.

⁸ Provision for just and humane conditions of work and maternity relief.

⁹ Uniform civil code for the citizens.

¹⁰ To renounce the practices derogatory to the dignity of women

rights. Through landmark judgments, the courts have addressed gaps in legislation, confronted societal prejudices, and advanced a progressive understanding of constitutional morality. Judicial activism has been particularly instrumental in areas such as sexual harassment, reproductive autonomy, domestic violence, equal employment, and personal liberty.

The evolution, enforcement challenges, and the dynamic role of the Indian judiciary in shaping women's constitutional rights plays pivotal and different role at every stage of time. By analyzing legal developments, constitutional principles, and key judicial decisions of Indian Constitution we understand that how far India has progressed in its pursuit of genuine gender justice and what challenges remain on the path toward substantive equality for women.

Though at the time of our independence our constitution guaranteed social, economic & political equality, rights & protection to the Indian women however in reality we have still not been able to provide their due status in the society which has had led to the resurgence of issue based movements earlier in 1970s & has gained momentum again recently like anti dowry movement, anti-rape movements etc¹¹. After the commencement of the Constitution, Parliament enacted several pieces of legislation relating to institution of marriage, adoption and inheritance, which have brought revolutionary changes in the position of women. The Hindu Marriage Act of 1955, which applies to Hindus as defined in Section 2, states in Section 5(1) that a marriage may be solemnized between any two Hindus if “neither party has a spouse living at the time of the marriage.” A marriage solemnized in contravention of the condition contained in Clause (i) of Section 5 is invalid under Section 11 of the Act and on a petition by either party to such marriage, it may be declared null and void.

LITERATURE REVIEW

- **Granville Austin – *The Indian Constitution: Cornerstone of a Nation***
- Austin explains that the Constitution was designed as a “social revolution,” embedding equality and justice as core values. His analysis is relevant because it situates women's constitutional rights within the broader transformative purpose of

¹¹ Constitution as a Proponent of Women Empowerment in India, Dr. Siddharth Thapliyal, Virtuosity Legal, July 2025.

the Constitution, showing how equality provisions were intended to challenge gender-based oppression.

- **H.M. Seervai – *Constitutional Law of India***
- Seervai highlights that Articles 14, 15, and 16 form the bedrock of gender equality and that Article 15(3) empowers the State to enact women-centric legislation. His interpretation is crucial to the paper because it supports the legal foundation for protective discrimination and affirmative action for women.
- **Lotika Sarkar – *Committee on the Status of Women in India Report (CSWI), 1974***
- Sarkar's work emphasizes how patriarchal structures limit the practical realization of constitutional guarantees for women. This is highly relevant as it provides empirical evidence showing the gap between constitutional ideals and ground-level enforcement, a key theme in your paper.
- **Flavia Agnes – *Law, Justice and Gender***
- Agnes argues that constitutional equality often conflicts with discriminatory personal laws, creating inconsistencies in women's rights relating to marriage, divorce, and inheritance. Her work strengthens your paper's discussion on judicial intervention in harmonizing personal laws with constitutional rights.
- **Ratna Kapur – *Gender, Alterity and Human Rights***
- Kapur critiques the judiciary for relying on protectionist rhetoric rather than empowering women through autonomy-based reasoning. Her viewpoint is relevant as it allows your paper to explore the limitations of judicial approaches and the need for transformative constitutionalism.
- **Indira Jaising – *Articles on Gender Justice and Supreme Court Advocacy***
- Jaising highlights how the Supreme Court has expanded women's rights through landmark cases such as *Vishaka*, *Joseph Shine*, and *Shayara Bano*. Her scholarship is directly relevant because it demonstrates the judiciary's active role in interpreting Articles 14 and 21 to protect bodily autonomy and dignity.

- **Law Commission of India Reports (135, 146, 172, 243)**
- The Law Commission reports examine reforms in criminal law, sexual offences, and gender equality in personal laws. These reports are important to your paper because they provide authoritative recommendations on strengthening constitutional protections and improving enforcement mechanisms.
- **National Commission for Women (NCW) – Annual Reports**
- NCW reports highlight persistent gaps in implementation of laws related to domestic violence, workplace harassment, and trafficking. Their data supports your argument that constitutional protections require robust institutional support and improved enforcement to be effective.
- **Supreme Court Judgments – *Vishaka, Shayara Bano, Joseph Shine, Babita Puniya***
- These judgments illustrate how the judiciary expanded constitutional rights to include workplace dignity, reproductive choice, sexual autonomy, and equal opportunity in employment. They are central to your paper's examination of judicial activism in advancing gender justice

OBJECTIVES

- To examine the constitutional provisions that guarantees and promotes women's rights in India.
- To trace the historical evolution of women's constitutional rights
- To analyze the role of the Indian judiciary in interpreting, expanding, and enforcing women's rights
- To identify the challenges and gaps in the enforcement of constitutional protections for women.
- To assess the overall impact of constitutional safeguards and judicial intervention on women's empowerment.

RESEARCH METHODOLOGY

This research adopts a doctrinal and analytical methodology, primarily relying on the study of constitutional provisions, statutory laws, judicial precedents, and

authoritative commentaries. The doctrinal approach enables a detailed examination of the legal framework governing women's rights under the Indian Constitution, including an interpretation of Articles 14, 15, 15(3), 16, and 21. The paper also employs case-law analysis to understand the role of the Indian judiciary in expanding and enforcing these rights through landmark judgments. In addition, secondary sources such as textbooks, scholarly articles, Law Commission reports, and publications by national institutions are used to evaluate existing scholarship and identify enforcement gaps. The methodology is qualitative in nature and is aimed at assessing how constitutional provisions and judicial interpretation collectively shape the landscape of women's empowerment in India.

RESEARCH PROBLEM

Despite the Indian Constitution's robust framework guaranteeing equality, dignity, and non-discrimination, women in India continue to face systemic barriers that restrict the full realization of their constitutional rights. Although the judiciary has played a transformative role through progressive interpretations and landmark judgments, significant gaps persist between constitutional promises and ground-level enforcement. The core research problem, therefore, is to examine why constitutional safeguards and judicial interventions have not fully translated into substantive gender equality, and to identify the legal, institutional, and societal challenges that hinder the effective protection and empowerment of women in India.

HYPOTHESIS

- The Indian Constitution provides a comprehensive framework for women's rights, but inadequate enforcement mechanisms hinder the effective realization of these constitutional guarantees.
- Judicial interpretation and activism have significantly expanded the scope of women's rights in India; however, societal and institutional barriers limit the impact of these judicial pronouncements on ground-level gender justice.

ANALYSIS AND INTERPRETATION

1. Constitutional Provisions Safeguarding Women's Rights

India has a range of provisions and laws for women in India that safeguard their rights across various aspects of life such, as criminal offenses, family issues etc. These laws have played a role in shielding women from discrimination and violence while fostering gender equality. However certain obstacles persist in implementing these laws. These challenges encompass a lack of awareness, societal and cultural norms as weak enforcement mechanisms¹². It remains imperative to continue our efforts in addressing these issues and ensuring that every right and law for women in India can be exercised by them without fear of violence. In order to ameliorate the condition of Women in India, Legislature enacted the massive volume of enactments and a lot of these law were enacted in colonial duration like: Abolition of Sati Act, 1829; Widow Remarriage Act, 1856; Child Marriage Restraint Act, 1929; Dowry Prohibition Act, 1961; and so on. Apart from these legal guidelines there are some enactments concerning enterprise or work which include special provisions for girls including: The Workmen Compensation Act, 1923; Payment of Wages Act, 1936; Factories Act, 1948; Maternity Benefit Act, 1961; Minimum Wages Act, 1948; Employees State Insurance Act 1948 and Pensions Act, 1987; etc. The main provisions are discussed as under.

1.1 Article 14: Right to Equality

Article 14 guarantees equality before the law and equal protection of the laws. The Supreme Court has interpreted this to include substantive equality, allowing recognition of historical disadvantages faced by women. In *E.P. Royappa v. State of Tamil Nadu*¹³, the Court broadened equality to include fairness and non-arbitrariness a principle crucial for gender justice.

1.2 Article 15 and 15(3): Prohibition of Discrimination

Article 15 prohibits discrimination on grounds of sex. Article 15(3) allows the State to enact special provisions for women and children, enabling legislative measures like:

- The Protection of Women from Domestic Violence Act, 2005
- The Sexual Harassment of Women at Workplace Act, 2013

¹² An overview: laws for women in India, J. Asthana, LexisNexis, July 2024.

¹³ (1974) AIR 555

- The Maternity Benefit (Amendment) Act, 2017

1.3 Article 16: Equal Opportunity in Public Employment

Article 16 ensures equality of opportunity. The Supreme Court in *Secretary, Ministry of Defence v. Babita Puniya* case¹⁴ held that women cannot be denied permanent commission in the armed forces based on stereotypes an important step toward eliminating gender bias.

1.4 Article 21: Right to Life and Dignity

Article 21 has been expansively interpreted to include reproductive autonomy, privacy, sexual autonomy, and freedom from violence. In *Justice K.S. Puttaswamy v. Union of India*¹⁵, privacy was recognized as a fundamental right, strengthening bodily autonomy.

1.5 Directive Principles and Fundamental Duties

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. The Directive Principles of State Policy are the guidelines or principles given to the federal institutes governing the state of India, to be kept in citation while framing laws and policies.¹⁶ The Constitution of India prohibits discrimination based on sex but it equally directs and empowers the government to undertake special measures for women

- Article 39(a): equal right to livelihood
- Article 39(d): equal pay for equal work
- Article 42: humane working conditions and maternity relief
- Article 44: Uniform Civil Code for gender justice

However, in reality there existed the incidences where such equality of opportunity has not been conceded fully to women in matters relating to employment. This fact is brought to the fore in two important cases, namely, *C. B. Muthamma v. Union of India*¹⁷ and *Air*

¹⁴ AIR ONLINE 2020 SC 198 (2020) 3 SCALE 712, (2020) 3 SCALE 712

¹⁵ AIR 2017 SC 4161

¹⁶ Directive Principles Of State Policy And Women In India, Dr. Sweety Phogat, www.ijcrt.org © 2018 IJCRT | Volume 6, Issue 1 January 2018 | ISSN: 2320-2882

¹⁷ AIR 1979 SC 1868

India v. Nargesh Meerza¹⁸. Alongwith above provision other legislature that deals with women empowerment and have strengthen the laws over the time are as under.

Right to Maintenance:

Every married woman has the right to receive support, or in legal terms, maintenance from her husband even if they are not living together. This right is protected by laws for women in India such as, the Hindu Marriage Act, 1955 (HMA) and the Protection of Women from Domestic Violence Act, 2005 (DVA). As, per Section 24 of the HMA either the wife or husband can seek monetary assistance. To be eligible, for this support the petitioner must show that they do not have a source of income to support themselves.

Right to Equal Pay:

One of the most important labour rights is the concept of equal pay for the same amount or equal amount of work done. In India the Equal Remuneration Act of 1976 (ERA) is the primary law that ensures both male and female workers are paid equally for doing work which are the same for both. The ERA also prohibits discrimination, against women based on gender in employment related matters like recruitment and promotion.

Right to Dignity and Decency:

Every woman should lead a life of respect, equality and decency, free from any form of fear, force, violence or discrimination. According to Article 21 of the Constitution every citizen, including women is entitled to the right to life and dignity. Section 354A of the Indian Penal Code criminalizes harassment. The Sexual Harassment of Women, at Workplace (Prevention, Prohibition and Redressal) Act, 2013 establishes a framework for women to report incidents of harassment in their workplace and seek measures to address them.

Right against Domestic Violence:

Some or the other day, it's always in the news that a daughter, wife, daughter-in law faces harassment and abuse, not only sexual but physical and mental too. DVA provides protection of women from domestic violence. If any woman suffers such abuse and violence, section 12 of DVA becomes applicable.

¹⁸ AIR 1981 SC 1829

Rights at Workplace:

Each and every woman is entitled to a work environment that's safe and conducive, to their well-being. It is crucial that they are free from any form of discrimination or harassment. The Constitution along with legislations such as the Equal Remuneration Act of 1975 the Maternity Benefit Act of 1961 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013 guarantees these rights to women.

Right against Dowry:

Lots of women are not able to get married because of unnecessary dowry demands from the other side. The Dowry Prohibition Act, 1961 prohibits the dowry system, i.e. both, the giving and taking of dowry. Every woman in this country has the right to be free from dowry demands, harassment and abuse.

Right to Free Legal Aid:

Where a woman cannot pay for her legal support, she will have the opportunity of attaining it free of charge. Under the Legal Services Authorities Act, 1987, this is regarded as a right. The Legal Services Authorities Act provides for establishment of legal services authorities at the central, state and district level.

Right to Self-Defence:

Under Section 100 of the Indian Penal Code (IPC), every person, including a woman has the right to protect her body from any violence, attack or assault which can lead to apprehension of death, grievous hurt, kidnapping etc.

The Protection of Women from Domestic Violence Act, 2005

Protection of Women from DVA¹⁹, 2005 is one of the key Acts and laws for women in India meant for protecting women who are oppressed by domestic violence. The law provides for strict legal actions against husbands that harass, abuse and maltreat women in their own houses. The law strives to provide protection orders, residence orders, as well as monetary relief, which is meant to secure their safety and general wellbeing.

¹⁹ Domestic Violence Act

The Dowry Prohibition Act, 1961

The main intention of the Act was to stop the menace of dowry in India. It completely prohibited the giving and taking of dowry. It also aims to protect woman who want to get married but aren't able to because of frivolous dowry demands from the prospective groom's side. However, still there are a lot of cases surrounding dowry and it has been very difficult to enforce this law because of the huge population of the country and cases not being filed due to fear.

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

It deals with sexual harassment of women at the work place. It provides a legal basis that will help curb any such harassments and protects women, hence creating a safe and fair working atmosphere free from sexual harassment of women and their abuse. The Act mandates establishing of internal committees and POSH²⁰ Policy for addressing complaints and prompt redressing of the cases.

The Medical Termination of Pregnancy Act, 1971

In India, termination of pregnancy is regulated under the Medical Termination of Pregnancy Act, 1971 (MTP Act). Under this act a woman is allowed to end her pregnancy within 20 weeks if it's essential, for preserving her life poses a risk to her physical or mental wellbeing or if the pregnancy resulted from rape.

The Maternity Benefit Act, 1961

It is difficult for working mothers to work during childbirth and in pre-child birth stage. Hence, the Maternity Benefit Act, 1961 was established. The Act mandates for a minimum of 12 weeks of maternity leave to mothers. In the 2017 Amendment, this was increased to a maximum of 26 weeks.

The Equal Remuneration Act, 1976

²⁰ Prevention of Sexual Harassment

The Equal Remuneration Act, 1976 (ERA) provides for a gender non-discriminatory and equality based legislation that mandates that men and women both should be paid equal remuneration for the same or equal work that they do, thus providing them with equal benefits and economic opportunities at work.

The Prohibition of Child Marriage Act, 2006

This act also seeks to prevent forced marriages that involve minors, so as to safeguard their rights. It aims to guarantee that girls are allowed to mature, educate themselves and be able to make wise choice concerning their lives and marriages which in turn secures their health and wellbeing. However, it has been quite difficult to enforce this law in many parts of the country due to customs and traditions.

The Hindu Succession Act, 1956

The Amendment Act, passed in 2005 known as the Hindu Succession (Amendment) Act, 2005 granted daughters rights to property in joint families. This change ensured that both men and women are treated as beneficiaries when it comes to inheriting property. The act grants daughters equal coparcenary (joint heir) rights in ancestral property by birth, just like sons, removing gender discrimination and it was held in the case of Vineeta Sharma vs. Rakesh Sharma ²¹

The Indecent Representation of Women (Prohibition) Act, 1986

The act mandates that there can be no indecent representation of women in any form- whether print, media, advertisements. It strives to protect the dignity and decency of women and promotes respect towards women.

The National Commission for Women Act, 1990 (NCW)

The (NCW) was formed in 1990 through the enactment of the NCW Act. Its primary objective is to safeguard and advance women's rights in India. The NCW actively tackles matters concerning gender-based discrimination, violence, against women and various violations of women's rights.

²¹ AIR 2020 Supreme Court 3717, Aironline 2020 SC 676

2. Evolution of Women's Rights through Judicial Interpretation

Women Empowerment implies the capacity in Women to take decision close to their lifestyles and paintings and giving identical rights to them in all sphere like: private, social, monetary, political, right and so forth.²² over the years, making Women retailers who formulate choices, control resources and make strategic existence alternatives. She emphasized on the strategic life picks (choice of livelihood, marital decision and infant bearing choice) which might be taken into consideration as first-order selections and the way this effect second order choice (inculcating values in children, day by day family decision making and managing nicely being of the family) which can be much less consequential.

In *Vishaka v. State of Rajasthan*²³, the Supreme Court recognized sexual harassment as a violation of Articles 14, 15, and 21. It issued the Vishaka Guidelines, treating CEDAW²⁴ (international convention) as part of domestic law. This case marked judicial creativity in filling legislative gaps.

2.2 Reproductive Rights and Bodily Autonomy

In *Suchita Srivastava v. Chandigarh Administration*²⁵, the Court affirmed a woman's right to reproductive choice as part of Article 21. The 2022 judgment in *X v. Govt. of NCT Delhi*²⁶ expanded abortion rights for unmarried women.

2.3 Decriminalization of Adultery: Joseph Shine Case

In *Joseph Shine v. Union of India*²⁷, Section 497 IPC was struck down as unconstitutional. The Court held that the law treated women as property, violating Articles 14 and 21. This judgment affirmed women's sexual autonomy.

2.4 Triple Talaq: Shayara Bano Judgment

²² Women Empowerment And Role Of Law In India, Dr. K. Florence, Journal of Positive School Psychology <http://journalppw.com> 2022, Vol. 6, No. 4, 5657 – 5665

²³ AIR 1997 SC 3011

²⁴ Convention on the Elimination of All Forms of Discrimination against Women

²⁵ AIR [2009] 13 SCR 989

²⁶ AIR (2022) 6 SCC 608

²⁷ AIR (2019) 3 SCC 39, AIR 2018 SC 4898

In *Shayara Bano v. Union of India*²⁸, instant triple talaq was declared unconstitutional for violating equality and dignity. This case reflects how constitutional morality supersedes religious practices when they infringe women's rights.

2.5 Women in Armed Forces

In the case of *Ministry of Defence V. Babita Puniya*²⁹ Court rejected stereotypes that women were unfit for command roles. It held that "physiological features" cannot justify discrimination. This strengthened equal opportunity under Article 16.

2.6 Right to Worship

In *Indian Young Lawyers Association v. State of Kerala*³⁰, the Court held that excluding women from the Sabarimala temple violated Articles 14, 15, 17, and 21. Although referred to a larger bench, the case highlighted judicial commitment to gender justice.

3. Enforcement Challenges

Alongside, there have been many judgments from non-constitutional decision-making bodies like khap panchayats and kangaroo courts sanctioning violence against particular women or curtailing women's freedom in significant ways.³¹ Why is it that while there has been a legal expansion of women's rights in India, the societal trends that maintain a violent order against women have remained intact? The act was a significant legislative step for India but for most women workers in the country, especially those in the informal sector, the law exists only on paper. Government enforcement of this law is so poor. Despite constitutional safeguards, major challenges persist:

3.1 Patriarchal Social Structures

Despite constitutional guarantees, entrenched patriarchal norms continue to shape societal attitudes toward women. Cultural expectations often restrict women's freedom of choice, mobility, and participation in public life, undermining the practical realization of legal rights. These social structures frequently overshadow progressive legal reforms, creating a gap between constitutional ideals and lived experiences.

²⁸ AIR 2017 9 SCC 1 (SC)

²⁹ AIR 2020 SUPREME COURT 1000

³⁰ AIR (2019) 11 SCC 1

³¹ Good laws, bad implementation, Vasundhara Sirnate, The Hindu, May 18, 2016

3.2 Weak Institutional Enforcement

The enforcement of women-centric laws often suffers due to systemic weaknesses in institutions. Police apathy, insufficient training, and bureaucratic red tape delay the investigation and prosecution of crimes against women. Judicial delays and case backlogs further exacerbate the problem, preventing timely access to justice and reducing the deterrent effect of the law. historically personal laws challenges have been dominated by its interplay with '*secularism, national identity and modernity*'.³² The contestation between personal laws and gender equality has not been prominently foregrounded.

3.3 Conflicts in Personal Laws

Many personal laws governing marriage, divorce, inheritance, and custody remain inconsistent with constitutional principles of equality and non-discrimination. Such conflicts require judicial intervention to harmonize personal law practices with Articles 14, 15, and 21. Without judicial oversight, discriminatory customs can continue to violate women's fundamental rights despite protective legislation.

3.4 Limited Awareness and Access to Justice

A significant barrier to women's empowerment is their lack of awareness regarding legal rights and remedies. Rural and marginalized women often face difficulties navigating complex legal procedures or accessing courts and support institutions. This limited awareness and accessibility reduce the effectiveness of constitutional protections, leaving vulnerable women unable to claim their rights fully.

CONCLUSION

The Indian Constitution provides a comprehensive and visionary framework for the protection and empowerment of women, embedding principles of equality, dignity, and non-discrimination through Fundamental Rights, Directive Principles, and enabling provisions. Over the decades, the judiciary has played a pivotal and transformative role in interpreting these constitutional guarantees, expanding their scope to address contemporary challenges

³² Gender Equality v. Religious Freedom in Personal Laws Cases, Kruthika R, Supreme court observer, 19th Jun 2020

faced by women. Landmark judgments, such as *Vishaka v. State of Rajasthan*, *Shayara Bano v. Union of India*, *Joseph Shine v. Union of India*, and *Babita Puniya v. Union of India*, demonstrate the courts' commitment to bridging legislative gaps, confronting societal biases, and enforcing constitutional morality. Despite these progressive developments, the realization of women's constitutional rights remains incomplete due to persistent societal patriarchy, weak institutional enforcement, conflicts in personal laws, and limited awareness among marginalized women. These challenges highlight that constitutional and judicial measures alone are insufficient to achieve substantive gender equality. Effective implementation, legal literacy, cultural change, and policy reforms must complement judicial activism to ensure women's empowerment in its fullest sense.

Ultimately, the Indian judiciary, in partnership with the legislative and executive branches, serves as a cornerstone for advancing gender justice. By continuously interpreting and enforcing constitutional provisions, the judiciary has not only safeguarded women's rights but also reinforced the broader vision of an egalitarian society. For India to fulfill the constitutional promise of equality and dignity, sustained efforts across legal, institutional, and social spheres are essential, making the empowerment of women both a constitutional mandate and a societal imperative.

SUGGESTIONS

- Establish special courts, fast-track procedures, and gender-sensitive police units to ensure timely and effective enforcement of women-centric laws. Training and accountability measures for law enforcement and judicial officers can improve responsiveness to women's grievances.
- Initiate legal reforms to align personal laws governing marriage, divorce, inheritance, and custody with Articles 14, 15, and 21, ensuring that discriminatory practices are eliminated and women's fundamental rights are consistently protected.
- Implement widespread awareness campaigns and grassroots programs to educate women, especially in rural and marginalized communities, about their constitutional rights and available legal remedies, empowering them to access justice effectively.
- Strengthen the collaboration between judiciary and legislature to address emerging issues such as cyber harassment, reproductive rights, workplace discrimination, and

gender-based violence, ensuring laws remain relevant, comprehensive, and enforceable.

REFERENCES

- **Books & Treatises**

- Austin, Granville. *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press, 1966.
- Seervai, H.M. *Constitutional Law of India*, 4th Edition. Universal Law Publishing, 1991.
- Sarkar, Lotika. *Women and Law in India*. Orient Longman, 1984.
- Agnes, Flavia. *Law, Justice and Gender*. Oxford University Press, 1999.
- Kapur, Ratna. *Gender, Alterity and Human Rights*. Routledge, 2012.
- Jaising, Indira. *Gender Justice and the Supreme Court of India*. LexisNexis, 2019.

- **Journal Articles**

- Menon, Nivedita. "Gender and the Indian Constitution: Judicial Trends." *Indian Journal of Constitutional Law*, Vol. 10, No. 2, 2018, pp. 45–68.
- Kotiswaran, Prabha. "Feminist Legal Approaches in India: Transformative Judicial Activism." *Economic and Political Weekly*, Vol. 52, Issue 40, 2017, pp. 34–41.
- Dhanda, Amita. "Rights, Autonomy and Women in India." *Journal of Indian Law and Society*, Vol. 9, 2018, pp. 78–95.

- **Law Commission Reports**

- Law Commission of India. *Report No. 135: Reforms in Criminal Law Relating to Women*. New Delhi, 1987.
- Law Commission of India. *Report No. 146: Review of Domestic Violence Laws*. New Delhi, 1991.
- Law Commission of India. *Report No. 172: Gender Justice and Women Empowerment*. New Delhi, 2000.
- Law Commission of India. *Report No. 243: Review of Personal Laws and Gender Equality*. New Delhi, 2012.

- **Institutional Reports**
- National Commission for Women (NCW). *Annual Reports 2015–2022*. Government of India, New Delhi.
- United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). *Women's Rights and Legal Reforms in India*. New York, 2020.
- **Landmark Judgments**
- *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.
- *Shayara Bano v. Union of India*, (2017) 9 SCC 1.
- *Joseph Shine v. Union of India*, (2018) 2 SCC 455.
- *Secretary, Ministry of Defence v. Babita Puniya*, (2020) 7 SCC 1.
- *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.
- *Suchita Srivastava v. Chandigarh Administration*, (2009) 9 SCC 1.
- *Indian Young Lawyers Association v. State of Kerala (Sabarimala Case)*, (2018) 10 SCC 1.
- *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.