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From Queens to Trailblazers: The Legacy, Strength and Legal Struggles of Women in India

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ABSTRACT

Women in India have long been essential to society, making significant contributions across various sectors, including politics, economics, law, and social reform. Even with constitutional guarantees of equality, gender disparities remain evident in education, employment, political representation, and personal rights. This study examines the status of women in India, focusing on both the advancements achieved and the ongoing challenges. This topic holds great importance in law, sociology, and political science, as gender justice is crucial for attaining social equity and sustainable development. The research underscores the disparity between constitutional promises and the realities faced by women, particularly regarding their rights, participation in the workforce, and access to legal remedies. The aim of this study is to explore how legal frameworks, social movements, and policy initiatives have enhanced the situation for women in India. The research employs a qualitative and analytical methodology, utilizing case studies, legislative reviews, and policy assessments to evaluate the socio-legal status of women. The central message is that while India has made strides in advancing women's rights, systemic barriers persist, highlighting the need for stronger legal enforcement and social reform to achieve genuine gender equality.

KEYWORDS

Gender Disparity, legal remedies, Women's Right, Strong legal enforcement, policy initiatives.

INTRODUCTION

“If not me, then who? If not now, then when?”

- Emma Watson

These words resonate deeply with the ongoing fight for women's rights and empowerment in India. Women have been pivotal in shaping the nation's history, making significant contributions across social, political, and economic domains. However, their path has been turbulent with systemic challenges, deeply rooted patriarchy, and ongoing gender inequalities.

Historically, Indian society has exhibited a contradictory approach to women. On one side, ancient texts and traditions have celebrated them as embodiments of power, wisdom, and prosperity, evident in the veneration of goddesses like Durga, Saraswati, and Lakshmi. Conversely, socio-cultural practices such as child marriage, dowry, and female infanticide have long undermined their rights and autonomy.

The Constitution of India guarantees women equality under Articles 14, 15, and 16, promoting non-discrimination and equal opportunities in employment and education. Key legislations like the Hindu Succession Act (1956), the Dowry Prohibition Act (1961), and the Protection of Women from Domestic Violence Act (2005) have played a crucial role in advancing women's rights. Furthermore, government programs such as Beti Bachao Beti Padhao, the Maternity Benefit (Amendment) Act, and enhanced political representation through reservations have bolstered their empowerment.

Despite these legal protections, women in India still encounter numerous challenges. Gender-based violence, workplace discrimination, wage disparities, and underrepresentation in leadership positions underscore the ongoing obstacles to achieving genuine gender equality. In rural regions, issues like early marriage, lack of education, and limited access to healthcare further intensify their difficulties. Economic participation remains low, with many women working in informal sectors that offer little in terms of social security benefits. The burden of unpaid domestic work limits their mobility and opportunities.

Nonetheless, the resilience of Indian women has been truly inspiring. From politics to science, business to sports, women have shattered barriers and set new standards. Figures like Kalpana Chawla, Kiran Bedi, Mary Kom, Priyanka Chopra, and

Sushma Swaraj showcase the strength and potential of Indian women across various fields.

Gender equality is essential for achieving the Sustainable Development Goals (SDGs), especially those related to education, health, and economic empowerment.

While advancements have been made, there is still much to be done to close the gender gap. Women's empowerment must extend beyond policy-making to a fundamental change in societal attitudes and cultural perceptions. True equality can only be achieved when women have full control over their choices, careers, and lives. The future of India's growth and development is closely tied to the empowerment of its women, making it vital to continue advocating for reforms, raising awareness, and fostering a more inclusive society

CHRONOLOGICAL OVERVIEW

- ***Women in Ancient and Medieval Era***

The status of women in Indian society has changed dramatically over the centuries, influenced by socio-religious beliefs and cultural transformations. During the Vedic period (1500–500 BCE), women had access to education, enjoyed autonomy, and were respected. Texts like the Rig Veda shows female scholars such as Gargi and Maitreyi, who engaged in philosophical discussions. Gargi famously challenged Yajnavalkya¹ in spiritual debates, while Maitreyi questioned the value of material wealth, emphasizing the importance of wisdom. Women also took on roles as warriors and administrators, showcasing their vital contributions to society.

However, in the post-Vedic period (500 BCE – 500 CE), the status of women declined with the emergence of Brahmanical orthodoxy and texts like Manusmriti, which enforced rigid gender roles. Women's rights to education, property, and religious participation were restricted, leading to practices such as child marriage and limitations on widow remarriage. The epics from this time, including the Ramayana and Mahabharata, present complex images of women. Sita is portrayed with dignity and resilience, while Draupadi stands up against patriarchal injustice. Their experiences reflect the increasing societal control over women's independence.

¹ Khan - Universal Law Publishing, an imprint of LexisNexis – 2016.

In the medieval period (8th–18th Century CE), these limitations grew stronger under feudal and Islamic influences. Practices like purdah, sati, and honor-based oppression became common, further confining women to domestic spheres. Nevertheless, some women, like Razia Sultana and Rani Durgavati, wielded political and military power. The Bhakti and Sufi movements provided avenues for resistance, with figures such as Mirabai and Akkamahadevi asserting their spiritual independence.

From being revered scholars and warriors in the Vedic era to becoming marginalized figures in the medieval period, women's autonomy faced systematic erosion. Yet, despite centuries of oppression, they consistently resisted and redefined their roles, demonstrating that feminine power could never be completely extinguished.

- ***Women during colonial period***

In the 19th century, women's status in India was heavily influenced by patriarchal norms and oppressive social structures under British colonial rule. Often confined to domestic spaces like the antahpur, women faced numerous restrictions, including the purdah system, child marriage, polygamy, and dowry. Practices such as sati and female infanticide further eroded their rights, while religious texts like the Manusmriti reinforced their subordinate position. Reformers like Raja Ram Mohan Roy and Ishwarchand Vidyasagar actively opposed these injustices, leading to significant changes such as the abolition of sati in 1829 and the legalization of widow remarriage in 1856. British policies, including Macaulay's Minute in 1835, encouraged education, which resulted in the establishment of universities in Calcutta, Madras, and Bombay in 1857, thereby expanding access to higher education. During this transformative period, figures like Rani Lakshmibai, Begum Hazrat Mahal, and the Begums of Bhopal emerged as powerful symbols of female resistance and leadership.

- ***Women in post-independence era***

Post-independence India has seen considerable legal and social reforms aimed at enhancing the status of women. The Constitution promotes gender equality through its Preamble, Fundamental Rights, and Directive Principles, which ensure equal rights and empower the state to implement affirmative action. Article 14 guarantees equality before the law, Article 15 prohibits discrimination based on gender, and Article 16 provides for equal employment opportunities. Articles 39, 42, and 46 further advocate for equal pay, maternity benefits, and welfare policies for

women.

Numerous laws have bolstered women's rights. The Hindu Succession Act (1956, amended in 2005) granted daughters equal rights to property, while the Dowry Prohibition Act (1961) and the Protection of Women from Domestic Violence Act (2005) tackled significant social issues. The Prohibition of Child Marriage Act (2006) and updates to the Medical Termination of Pregnancy Act (2021) protected reproductive rights. In response to the Nirbhaya case, the Criminal Law (Amendment) Acts strengthened laws against sexual offenses.

The 73rd and 74th Amendments reserved 33% of seats for women in local governance, enhancing political participation. Nevertheless, challenges like gender violence, workplace discrimination, and entrenched patriarchal norms continue to obstruct the path to full gender equality.

FEMINISM

- ***Liberal Feminism in India***

Liberal feminism in India has developed as a unique movement, grounded in local struggles for gender justice, legal rights, and economic independence. Unlike radical or socialist feminism, liberal feminism aims for reforms within the current systems rather than seeking to dismantle them. From the 19th-century reform movements led by figures like Raja Ram Mohan Roy and Savitribai Phule to the legal battles for marriage, inheritance, and employment rights after independence, liberal feminists have persistently challenged patriarchal norms.

The women's movement in India has been actively engaged in grassroots struggles, demonstrating that feminism here is not simply a western concept. Feminists have joined forces with movements such as the Shahada anti-alcohol protests, the Chipko movement, and campaigns for justice in high-profile cases like the Mathura rape case (1972), dowry deaths (1982), the sati of Roop Kanwar (1987), Bhanwari Devi (1992), and Shah Bano (1985). These activists are deeply embedded in Indian society, continuing the legacy of freedom fighters like Sarojini Naidu, Lakshmi Sahgal, and Kamaladevi Chattopadhyay.

When traditionalists invoke "Indian culture," they overlook influential female figures such as Rani Lakshmbai and Gargi

Vachaknavi². The stereotype of a submissive, ornamented woman exists only in the minds of conservatives. Indian feminism, on the other hand, represents resistance, justice, and empowerment.

- ***Radical Feminism in India***

Radical feminism calls for a fundamental restructuring of society by dismantling patriarchy, which it identifies as the primary source of women's oppression. In contrast to liberal or Marxist feminism, which emphasize civil rights or economic systems, radical feminism contends that male dominance permeates every facet of life family, economy, and social institutions. It confronts patriarchy's influence over women's bodies, labor, and sexuality, advocating for liberation through comprehensive systemic change.

A central tenet of radical feminism is its critique of marriage as a patriarchal institution that has historically regarded women as property of men. It also challenges the societal expectation for women to find fulfillment solely through motherhood, asserting that women should have the autonomy to choose not to have children without facing stigma.

Radical feminism has played a crucial role in raising awareness of sexual violence as a crime and in the struggle for women's bodily autonomy. However, it has been criticized for its lack of inclusivity, often treating women as a monolithic group and neglecting the intersections of race, disability, and class. Its position on prostitution is also contentious, as it promotes bodily autonomy while deeming sex work as inherently exploitative.

In India, radical feminism remains a powerful force in the ongoing legal and cultural struggles for gender equality. The Indian Constitution supports gender justice, and the country's commitment to international agreements like Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) demonstrates efforts toward advancing women's rights. Radical feminists in India push for systemic legal and social reforms to dismantle patriarchal structures and achieve genuine gender equality.

CONSTITUTIONAL PROVISIONS FOR WOMEN'S RIGHTS

² Sagarika Ghose, with local roots, feminism in India is not a blind copy of the Western model, writes Sagarika Ghose, (Jan. 2, 2019), <https://scroll.in/article/907485/with-local-roots-feminism-in-india-is-not-a-blind-copy-of-the-western-model-writes-sagarika-ghose>.

The Indian Constitution clearly guarantees equality for women and forbids discrimination based on sex. The Fundamental Rights outlined in Part III of the Constitution create a robust framework for gender justice:

- a) **Equality before the law (Article 14):** This provision ensures that the State cannot deny women equal treatment in legal matters, upholding the principle of legal fairness.
- b) **Prohibition of discrimination (Article 15(1)):** The State is barred from discriminating against any citizen based on religion, race, caste, sex, or place of birth.
- c) **Special provisions for women (Article 15(3)):** The Constitution allows the State to create special provisions for women and children, acknowledging their socio-economic vulnerabilities³ and the necessity for protective laws.
- d) **Equality in employment (Article 16):** This guarantees equal opportunities for both men and women in public employment, preventing gender-based discrimination in government positions.
- e) **Right to livelihood and equal pay (Article 39(a) & 39(d)):** The Directive Principles of State Policy require the State to ensure that both men and women have the right to a sufficient means of livelihood and receive equal pay for equal work.
- f) **Right to health and standard of living (Article 47):** The State must work to enhance nutrition and living standards, understanding that the well-being of women is crucial for the progress of society.
- g) **Promotion of gender equality in society (Article 51(A)(e)):** This fundamental duty emphasizes the need to reject practices that undermine women's dignity, fostering gender-sensitive social norms.

- ***Political Representation and Empowerment***

Women's political representation is constitutionally guaranteed through reserved seats in local governance.

3

https://mospi.gov.in/sites/default/files/reports_and_publication/cso_social_statics_division/Rights.doc.

- i. **Reservation in Panchayati Raj institutions (Article 243D(3) & (4)):** One-third of the seats in Panchayati Raj institutions, including those set aside for Scheduled Castes (SCs) and Scheduled Tribes (STs), are reserved for women. Furthermore, one-third of the Chairperson positions at every level are also designated for women.
- ii. **Reservation in urban local bodies (Article 243T(3) & (4)):** Similar provisions ensure that one-third of the seats in Municipalities, including those reserved for SCs and STs, are allocated for women, thereby encouraging their involvement in urban governance.

LEGAL PROTECTIONS FOR WOMEN

To uphold constitutional mandates, the Indian government has established various legal provisions designed to protect women's rights, prevent discrimination, and ensure justice.

Crimes Against Women under the Indian Penal Code (IPC)

Certain offenses are specifically recognized as targeting women:

- **Rape (Section 376 IPC):** This section addresses and penalizes non-consensual sexual acts against women, imposing severe penalties.
- **Kidnapping and abduction (Sections 363-373 IPC):** This law criminalizes the forceful abduction of women for exploitative purposes.
- **Dowry deaths (Sections 302/304-B IPC):** It prescribes strict penalties for homicides linked to dowry demands.
- **Domestic violence (Section 498-A IPC):** This section tackles cruelty and harassment experienced by married women from their husbands or in-laws.
- **Molestation (Section 354 IPC):** It criminalizes any assault or use of force aimed at outraging a woman's modesty.
- **Sexual harassment (Section 509 IPC):** This law penalizes any gestures, words, or actions intended to insult a woman's modesty.
- **Importation of minor girls:** This law criminalizes the trafficking of girls under the age of 21.
- **The Employees State Insurance Act, 1948:** This act provides maternity benefits and medical care for women employees.

- **The Plantation Labour Act, 1951:** It ensures improved working conditions for women in plantations.
- **The Family Courts Act, 1954:** This act establishes family courts to efficiently handle matrimonial disputes.
- **The Hindu Marriage Act, 1955 & Special Marriage Act, 1954:** These laws govern marriages and divorces for Hindu women and include provisions for inter-faith marriages.
- **The Hindu Succession Act, 1956 (amended in 2005):** This act grants women equal rights in property inheritance.
- **The Immoral Traffic (Prevention) Act, 1956:** This law criminalizes human trafficking and the sexual exploitation of women.
- **The Maternity Benefit Act, 1961** (Amended in 1995) offers paid maternity leave and various maternity-related benefits.
- **The Dowry Prohibition Act, 1961** makes it illegal to give or receive dowry.
- **The Medical Termination of Pregnancy Act, 1971** permits safe abortion under certain conditions.
- **The Equal Remuneration Act, 1976** prohibits wage discrimination based on gender.
- **The Prohibition of Child Marriage Act, 2006** establishes the legal age for marriage to prevent child marriages. The Protection of Women from Domestic Violence Act, 2005 provides legal safeguards and support for women experiencing domestic violence.

The Indian Constitution, through its fundamental rights, directive principles, and various legal frameworks, lays a strong foundation for gender equality and women's empowerment. However, despite these protections, issues like gender-based violence, wage gaps, underrepresentation in politics, and socio-economic discrimination continue to exist.

- ***Women's Rights under Directive Principles of State Policy (DPSP)***

The Directive Principles of State Policy (DPSP), found in Part IV of the Indian Constitution, provide essential guidelines for governance. Although they are not legally enforceable, these principles represent a moral and political commitment for the state to strive for a just and equitable society. Several provisions specifically focus on the rights and welfare of women:

KEY ARTICLES ENSURING WOMEN'S RIGHTS

1. **Article 39** – Certain Principles of Policy to be Followed by the State Guarantees that both men and women have the right to an adequate means of livelihood.

Requires equal pay for equal work for men and women alike.

Instructs the state to ensure that the health and strength of workers, including women, are protected and that citizens are not compelled to take on jobs unsuitable for their age or strength.

2. **Article 42** – Provision for Just and Humane Conditions of Work and Maternity Relief⁴.

Instructs the state to provide humane working conditions and maternity relief for women.

3. **Article 44** – Uniform Civil Code (UCC)

Advocates for a uniform civil code to promote gender justice, especially concerning marriage, divorce, inheritance, and adoption.

4. **Article 46** – Promotion of Educational and Economic Interests of Weaker Sections

Encourages special attention to the education and economic upliftment of weaker sections, including women, and aims to protect them from social injustice and exploitation.

These DPSPs serve as a foundation for policy-making and legal reforms focused on achieving gender equality and empowering women in India.

DOWRY

The dowry system in India has changed from a voluntary tradition into a harmful social practice. Initially meant as streedhan for a bride's financial security, it has now become a mandatory demand, leading to financial burden, domestic violence, and even deaths. The idea of kanyadaan reinforced the notion of daughters as financial liabilities, worsening the practice. Despite legal bans,

⁴ Dell, (Feb. 2, 2018), <https://ijcrt.org/papers/IJCRT1705156.pdf>.

dowry remains widespread, highlighting the need for social and cultural change to eliminate it.

Despite being legally prohibited by the Dowry Prohibition Act of 1961, dowry continues to be a significant problem in India, largely due to inadequate enforcement and entrenched societal norms. Laws such as Section 304-B of the IPC (which addresses dowry deaths) and Section 498-A of the IPC (which deals with cruelty related to dowry) are intended to safeguard women, but issues like judicial delays, social stigma, and a lack of awareness undermine their effectiveness. Many incidents remain unreported, and victims frequently endure ongoing abuse. To address the dowry issue, it is crucial to implement awareness campaigns, promote gender education, ensure financial independence for women, support dowry-free marriage initiatives, and enforce stricter laws through fast-track courts. The media also plays a vital role in shifting societal attitudes by sharing stories of victims and advocating for gender equality.

RAPE

Rape is one of the most brutal and inhumane crimes yet acknowledging it as a violation of a woman's bodily integrity and sexual autonomy has been a long and challenging journey. A series of horrific incidents have prompted stronger legal reforms, with the Women's Movement playing a vital role in raising awareness and advocating for change.

A landmark case was *Tukaram and Ors v. State of Maharashtra (1972)*, often referred to as the *Mathura case*⁵. Mathura, a young Adivasi girl, was raped by two policemen while in custody. The Supreme Court acquitted the accused, arguing that the lack of injuries and resistance indicated consent. This verdict sparked widespread protests, leading to the Criminal Law (Second Amendment) Act, 1983, which introduced laws addressing custodial rape and shifted the burden of proof onto the accused.

Another significant turning point was the *2012 Nirbhaya case*, where a young woman was brutally gang-raped in Delhi. The attack ignited nationwide protests, resulting in the Criminal Law (Amendment) Act, 2013, which broadened the definition of rape, increased penalties, and addressed crimes such as stalking and acid attacks. The Justice Verma Committee was instrumental in

⁵ Tejaswini Mallick, Manupatra Articles (2021), <https://articles.manupatra.com/article-details/An-Extensive-study-of-Rape-Laws-in-India> (last visited 12AD).

shaping these reforms.

Despite these legal advancements, cases like Unnao and Kathua⁶ underscore the ongoing issue of sexual violence in India. Laws such as Section 376 IPC, the Protection of Children from Sexual Offences (POCSO) Act, 2012, and the Criminal Law (Amendment) Act, 2018, which introduced the death penalty for child rape, aim to deter such crimes.

Several legislative measures are in place to protect women, including the Protection of Women from Domestic Violence Act, 2005, the Dowry Prohibition Act, 1961, and the Sexual Harassment at Workplace Act, 2013. However, enforcement remains weak due to corruption, judicial delays, and societal stigma. Victims often hesitate to report crimes due to fear, social pressures, and an inefficient legal system.

Tackling sexual violence in India demands not only more robust laws but also improved enforcement, increased awareness, and a shift in societal attitudes. Without these initiatives, achieving justice for rape victims will continue to be an elusive goal.

MARITAL RAPE

It refers to non-consensual sexual intercourse by a husband with his wife. However, Indian law does not recognize marital rape as a crime due to the marital rape exception under Section 375 of the Indian Penal Code (IPC). This provision states that sexual intercourse between a husband and wife is not considered rape if the wife is above 15 years of age. India remains among 36 countries that do not recognize marital rape as a crime, alongside Afghanistan and Saudi Arabia.

Cultural and Moral Complexities

Marital rape remains a taboo subject in India. Unlike Western societies, which emphasize individual autonomy, India remains deeply conservative, with limited discussion of sexual matters. Women face societal pressure to conform to traditional roles, and questioning a husband's sexual entitlement is often seen as a threat to the institution of marriage.

In many conservative regions, men may feel a strong expectation to fulfill their sexual needs within marriage, as extramarital sex is

⁶ Tejaswini Mallick, MANUPATRA ARTICLES (2021), <https://articles.manupatra.com/article-details/An-Extensive-study-of-Rape-Laws-in-India> (last visited 12AD).

morally condemned. This expectation often blurs the line between entitlement and mutual consent, making marital rape an invisible crime.

The Mahabharata, in the Anushasana Parva (The Book of Precepts⁷), states:

"The righteousness of men depends upon women."

Section 375 of the Indian Penal Code (IPC) defines rape as non-consensual intercourse but excludes forced sex within marriage through Exception 2, which provides immunity to husbands. This exemption is based on the idea of implied consent, suggesting that a wife always consents to sexual relations, thereby undermining her autonomy.

The Criminal Law (Amendment) Act, 2013 maintained this exception, imposing lesser penalties only for the rape of a separated wife. The Justice Verma Committee (2013) criticized this distinction, asserting that marriage does not equate to irrevocable consent and advocating for the removal of the exception.

The *Independent Thought v. Union of India* (2017) ruling increased the marital consent age from 15 to 18, yet it failed to offer protection to adult married women, leaving them at risk. The Bharatiya Nyaya Sanhita, 2023, which replaces the IPC, continues to uphold this marital rape exception under Section 63, further entrenching husbands' legal immunity.

This exemption contravenes Article 14 (equality⁸), Article 21 (dignity and autonomy), and the Protection of Women from Domestic Violence Act (PWDVA), 2005, which acknowledges sexual abuse within marriage. Despite international standards and a growing acknowledgment of marital rape as a crime, India's legal system still denies married women equal protection, highlighting the urgent need for legal reform.

DOMESTIC VIOLENCE

Domestic violence is one of the most widespread yet often ignored forms of violence against women in India. It crosses socio-

⁷ Sharad S Chauhan , How a legal loophole shields marital rape in India The Tribune (2025), <https://www.tribuneindia.com/news/comment/how-a-legal-loophole-shields-marital-rape-in-india/> (last visited Mar 12, 2025).

⁸ Bhamini Rathore, Marital Rape exception: challenges and arguments Sprf 2022 (2022), https://sprf.in/wp-content/uploads/2022/07/SPRF-2022_IB_Marital-Rape-Exceptions.pdf.

economic lines, impacting women of all classes, education levels, and income brackets. The stigma surrounding domestic abuse frequently leads to its acceptance as a norm. The Protection of Women from Domestic Violence Act, 2005 (PWDVA) offers protections against physical, emotional, sexual, and economic abuse, providing swift protection orders and the right for women to remain in their marital homes. Prior to this legislation, the legal avenues available were limited to divorce or filing criminal cases under Section 498A of the IPC, which did not provide immediate assistance.

Several laws tackle domestic violence:

- The PWDVA (2005) safeguards married and live-in partners from abuse and offers legal remedies such as protection orders, rights to residence, monetary relief, custody, and compensation.
- Section 498A of the IPC penalizes cruelty inflicted by husbands or in-laws.
- The Dowry Prohibition Act (1961) makes dowry transactions illegal.
- Section 125 of the CrPC guarantees maintenance for wives, children, and parents.
- The Indian Evidence Act assumes guilt in cases of unnatural deaths occurring within seven years of marriage.
- The Criminal Law (Amendment) Act, 2013 enhances laws against sexual violence, including stalking and acid attacks.

Factors such as patriarchy⁹, economic dependence, dowry demands, substance abuse, lack of legal knowledge, and ineffective law enforcement contribute to domestic violence. Tackling this issue requires stricter enforcement of laws, increased legal awareness, and robust social support.

SEXUAL HARASSMENT AT THE WORKPLACE IN INDIA

Sexual harassment in the workplace encompasses unwelcome advances, inappropriate comments, and physical misconduct, all of which contribute to a hostile environment. Victims have the right to seek justice under Articles 32 and 226 of the Constitution. The POSH Act of 2013 requires the establishment of Internal

⁹ Understanding domestic violence in India - Legal Vidhiya Legal Vidhiya - (2023), <https://legalvidhiya.com/understanding-domestic-violence-in-india/?amp=1> (last visited Mar 12, 2025).

Committees (ICs), awareness programs, and strict workplace policies aimed at preventing harassment. These ICs, which possess quasi-judicial powers, conduct inquiries based on the preponderance of probability standard, and legal representation is not allowed to ensure fairness.

The Vishaka Guidelines¹⁰ originated from the Bhanwari Devi case in 1992, which highlighted significant failures in protecting women's rights. This led to the pivotal *Vishaka v. State of Rajasthan* judgment in 1997, where the Supreme Court acknowledged workplace sexual harassment as a breach of Articles 14, 19, and 21. The court defined this harassment to include unwanted physical contact, advances, and inappropriate remarks. It became the responsibility of employers to create a safe work environment and to set up Internal Complaints Committees (ICCs) for addressing complaints. These guidelines were later incorporated into the POSH Act of 2013, which enhanced legal measures against workplace harassment.

Impact of the #MeToo Movement

The #MeToo movement in India, which began in 2018 and was inspired by its global counterpart, encouraged women to share their experiences of harassment publicly. This movement resulted in the resignation of M.J. Akbar, as his defamation case against journalist Priya Ramani was dismissed, reinforcing women's right to speak out.

While #MeToo has led to the establishment of stronger ICCs, improved workplace policies, and heightened awareness, some critics have pointed out its urban elite bias, often neglecting the challenges faced by working-class women. Despite these limitations, it marked a significant turning point in India's battle against workplace harassment.

CYBERCRIME AGAINST WOMEN IN INDIA

Cybercrime encompasses illegal activities conducted through digital platforms, such as online harassment, cyberbullying, identity theft, and financial fraud. In India, women are increasingly becoming targets, with 54.8% experiencing online harassment and 26% affected by morphed images or videos, as reported by the National Commission for Women. Many suffer

¹⁰ Sexual harassment in the workplace - vishaka guidelines ... (2014), https://cag.gov.in/uploads/cms_pages_files/Vishkha-Guidelines-against-Sexual-Harassment-in-Workplace-061de8308de91c7-65164897.pdf (last visited Mar 12, 2025).

from emotional distress, job loss, or financial fraud, underscoring the urgent need for enhanced digital protections.

Common forms of cybercrime include cyberstalking, hacking, revenge pornography, deepfake exploitation, and financial fraud. Weak law enforcement, digital illiteracy, and social stigma often deter women from reporting these offenses. Additionally, patriarchal norms and a lack of cybersecurity education further hinder awareness, particularly in rural regions.

The government has initiated measures to tackle cybercrimes. The National Cyber Crime Reporting Portal (2018) enables victims to report incidents, while the Cyber Crime Prevention Against Women and Children (CCPWC) Scheme (2018) provides funding for forensic labs and cyber cells. The Digital India Initiative (2015) aims to enhance digital literacy, and the National Policy for Empowerment of Women (2001) advocates for stronger cyber laws.

The Information Technology Act (2000) and its 2008 amendment impose severe penalties, yet there are still gaps in addressing issues like cyber harassment and deepfake crimes. It is essential to strengthen gender-sensitive laws and raise awareness to ensure the safety of women online.

INDECENT REPRESENTATION OF WOMEN IN INDIA

The Indecent Representation of Women (Prohibition) Act, 1986 was established to address the negative portrayal of women in various media forms, such as advertisements, publications, and illustrations. According to **Section 2(c)**, indecent representation is defined as any depiction that is considered indecent, derogatory, or harmful to public morality. This legislation was introduced in response to increasing concerns raised by the women's movement, with the Rajya Sabha approving it in 1987.

Exemptions under the Act

The Act permits certain representations that fulfill legitimate purposes, including:

- Educational & Scientific Content – Such as medical textbooks and gender studies research.
- Religious Content – Depictions found in religious texts (for example, Shiva's Linga)¹¹.

¹¹ The Indian Law, Indecent representation of Women (Prohibition) Act, 1986

- Historical & Cultural Monuments – Including temple carvings and sculptures.
- Religious Temples & Worship Vehicles – Such as murals and temple chariots.
- Certified Films – Movies that have received approval under the Cinematograph Act, 1952.
- Proposed Amendments (2012 Bill)
- To update the Act, the Indecent Representation of Women (Prohibition) Bill, 2012 seeks to regulate audiovisual and digital media by:
 - Broadening the definition of advertisements to include digital platforms.
 - Increasing penalties to discourage violations.

Relevance Today

In today's digital landscape, issues like revenge porn, deepfakes, and online objectification pose significant risks to women. It is essential to revise the Act to encompass cyber offenses, enforce stricter regulations, and implement awareness campaigns to foster gender-sensitive media practices in India.

CHILD MARRIAGE

Child marriage is a significant issue in India, primarily impacting girls by limiting their access to education and heightening health risks, such as maternal mortality. The Prohibition of Child Marriage Act (PCMA), enacted in 2006, defines child marriage as involving a male under 21 or a female under 18. Nevertheless, cultural traditions and socio-economic factors continue to perpetuate this practice.

The main drivers include gender discrimination in education, financial hardships¹², social insecurity, and the desire to evade dowry costs or property disputes. Additionally, concerns about harassment and a lack of job opportunities often lead families to opt for early marriage.

In response, the government has implemented several laws. The

The Indian Law (2023), <https://theindianlaw.in/indecnt-representation-of-women-prohibition-act-1986/> (last visited Mar 12, 2025).

¹² B Suresh Lal, (PDF) Child marriage in India: Factors and problems ResearchGate (2015),

https://www.researchgate.net/publication/278022723_Child_Marriage_in_India_Factors_and_Problems (last visited Mar 12, 2025).

PCMA, 2006 makes child marriage a criminal offense and allows for annulment, while the POCSO Act, 2012 and Section 375 of the IPC categorize sexual intercourse with a minor as rape. The Juvenile Justice Act, 2015 penalizes parents who facilitate child marriage, and the Dowry Prohibition Act, 1961 addresses financial incentives. Furthermore, the Protection of Women from Domestic Violence Act (PWDVA), 2005 offers protection to child brides from abuse.

Various initiatives, such as the National Plan of Action (2013, 2016) and the National Policy for Children, 2013, focus on education, awareness, and legal enforcement.

Despite the presence of robust laws, challenges in enforcement remain. A comprehensive approach that combines legal measures, education, and community awareness is crucial to completely eliminate child marriage in India.

MENSTRUATION

"Menstruation is not a problem, poor menstrual hygiene is"

Menstruation is a natural biological process, yet in India, it remains a taboo topic, leading to shame and inadequate menstrual hygiene management (MHM). Many women and girls lack access to proper sanitation, which forces them into unsafe practices that compromise their dignity and health. Government initiatives like the Swachh Bharat Mission (SBM) aim to improve menstrual hygiene through sanitation and awareness programs in states such as Kerala, Tamil Nadu, and Karnataka. Kerala is poised to become the first Indian state to grant menstrual leave to female students, promoting gender justice.

Menstruation myths label women as impure, preventing them from participating in religious and household activities. These misconceptions reinforce stigma, limit opportunities, and negatively affect mental health. The Menstrual Hygiene Scheme (MHS) under the National Health Mission (NHM) promotes awareness and provides subsidized sanitary products for rural girls through ASHAs, helping to reduce school absenteeism.

Poor nutrition exacerbates menstrual health issues, with many adolescent girls being underweight, which can lead to irregular periods. Stigma often deters women from seeking medical help, increasing reproductive health risks. It is crucial to address menstrual health through inclusive national policies to enhance women's well-being and empowerment.

INSIGHTS AND RECOMMENDATIONS

Historically, Indian women like Sita, Savitribai Phule, and Draupadi embodied strength, intelligence, and resilience. They were assertive and defiant in their own ways, challenging societal norms. However, society found it difficult to accept women with such strong personalities and, over time, began glorifying the ideal woman as soft-spoken, submissive, and self-sacrificing. This shift in perception laid the foundation for systemic oppression and violence against women.

During the colonial period, as society evolved, the need to protect women's rights and dignity became more apparent, leading to the introduction of various laws and policies. The Indian Constitution, as the supreme law of the land, enshrines numerous provisions for women's protection, ensuring equality and justice. Yet, despite this legal framework, violence against women remains a daily reality. Even if not physical, it manifests in mental, verbal, and emotional forms, reflecting the deep-rooted patriarchal mindset that continues to see women as subservient.

It is crucial to recognize that no religion inherently advocates for the subjugation of women; rather, it is the misinterpretation and selective application of religious and cultural norms that have led to their marginalization. Over time, society has adapted these interpretations to suit its own convenience, often at the expense of gender equality.

Legal frameworks can enforce compliance through punitive measures, but true progress can only be achieved when people genuinely internalize the principles of gender equality rather than merely following laws out of fear of punishment. Educating society, particularly young boys, about gender equality and respect for women is essential to creating lasting change.

A truly progressive society should not need a designated Women's Day to acknowledge and celebrate the importance of women; it should be an inherent part of our values and everyday life. Achieving this requires continuous education, awareness, and proactive societal transformation. Even small steps toward changing perceptions and behaviors can lead to a profound impact in the long run. Feminism is not about placing one gender above another; rather, it advocates for equal opportunities and rights for all. A man who balances his career and household responsibilities without question should not be seen differently from a woman who does the same. True feminism lies in ensuring that both genders have equal freedom, respect, and opportunities

without societal biases or restrictions.

Ironically, in today's world, as women shatter glass ceilings and leave many men trailing behind, some men, particularly the misogynists, seem to be having a tough time digesting this reality. Since competing with women's intelligence, success, and resilience is clearly not an option for them, they resort to the only thing left in their arsenal: physical masculinity and violence. After all, when logic fails, a display of brute force seems to be their last desperate attempt to cling to the illusion of dominance.

RECOMMENDATIONS

India needs to take decisive legislative action to promote gender equality and enhance women's safety. A Menstrual Leave and Hygiene Act should ensure paid leave, provide free sanitary products, and establish proper hygiene facilities in schools and workplaces. Additionally, a Safe Commute for Women Students Act could introduce government-operated, female-only school buses with legal accountability. To expedite justice, a Women's Justice Acceleration Act should require fast-track courts to handle cases of rape, domestic violence, and harassment within six months, supported by a National Sexual Offenders Database for real-time tracking of offenders. Economic reforms like a Gender Pay Transparency Act should mandate pay equity audits and impose penalties for wage discrimination, while a Women's Informal Wage Protection Law can guarantee minimum wages and social security for female workers in informal sectors. Ensuring 33% political representation for women, expanding leadership programs, and implementing a Women's Leadership and STEM Quota Law for IITs, medical colleges, and university faculties will foster long-term empowerment. Strengthening cyber laws against harassment and deepfake crimes, along with nationwide digital safety awareness initiatives, is essential for women's security in the digital realm. Lastly, criminalizing marital rape and eliminating the IPC Section 375 exception will affirm women's right to bodily autonomy. These comprehensive legal, economic, and social reforms will pave the way for a safer, more equitable India for women.

CONCLUSION

As we reflect on the journey of women in India—from positions of power in ancient times to systemic oppression under colonial rule and the ongoing struggle for equality today—we must ask ourselves: Are laws alone enough to bring true gender justice, or does the real change lie in transforming societal mindsets?

Despite legal advancements aimed at empowering women, societal attitudes continue to hinder true equality. The marital rape exception, rooted in outdated patriarchal doctrines like the Doctrine of Coverture, exemplifies how legal frameworks still fail to recognize a woman's right to bodily autonomy. Similarly, the selective enforcement of rape laws, contradictions in the Domestic Violence Act, and societal resistance to feminism highlight the deep-seated gender biases that persist. Laws can punish, but they cannot redefine societal values that responsibility lies with us. Education, awareness, and a shift in perception are key to dismantling patriarchal norms and ensuring that equality is not just a legal right but a lived reality.

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