

## **Evolution of Women's Rights in Post-Independent India: A Quest for Gender Equality**

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### **Abstract:**

This paper explores the evolution of women's rights in post-independence India. The condition of women in India after gaining independence in 1947 has seen both progress and challenges. Independent India made significant strides in enacting laws and policies aimed at improving the status of women. This paper explores the major milestones in the struggle for women's rights, such as introduction of progressive legislation and government policies regarding the empowerment of women. Some notable legislation includes The Hindu Succession Act, 1956, The Protection of Women from Domestic Violence Act, 2005 etc. The study emphasizes the importance of women's empowerment and makes recommendations for further advancements.

### **Keywords:**

Women's Empowerment, Post- Independence India, Women's Rights, Constitution of India.

### **Introduction:**

Women have unique position in every society whether developed, developing or underdeveloped. In India half of the Indian population are women. They have always been discriminated against and suffered and are suffering discrimination in silence in the civilised as well as the primitive society. Even though self-sacrifice and self-denial are their nobility virtue, yet they have been made the victims of all inequalities, indignities, inequality and discrimination, from time immemorial. These are some of the factors that prompted the legislature to make various laws to give the women their due share. The Constitution of India Prohibits any discrimination solely based on the any ground of sex in general and in the matters of public employment. This prohibition of gender-based discrimination has been given the status of a fundamental right. Various other laws have been enacted to deal with the personal matters like marriage, divorce & succession etc. of the women. Post-independence India has seen a significant shift in societal norms and attitudes towards women's rights, which has led to the progressive evolution of laws and policies promoting gender equality. The Indian Constitution guarantees equal rights to women; however, societal practices and patriarchal mind sets have hindered the realization of these rights.

This paper aims to provide an overview of the rights of women in India after independence, focusing on the various laws and government policies implemented to uplift the status of women, role of judiciary and offering suggestions for further improvement.

### **Objective:**

1. The primary objective of this paper is to analyse the evolution of women's rights in post-independence India, focusing on the crucial role of legislation and the judiciary in fostering gender equality.
2. To study challenges and obstacles in the empowerment of the women in India.

### **Constitutional Provisions and Laws Promoting Rights of Women**

A) The Constitution of India, 1950

The Indian Constitution, adopted in 1950, laid the groundwork for gender equality, ensuring that women's rights were recognized and protected under the law.

I) The Preamble

The Preamble to the Indian Constitution contains various goals including “the equality of status and opportunity” to all the citizens. This particular goal has been incorporated to give equal rights to the women and men in terms of the status as well as opportunity.

## II) Fundamental Rights

Even though, all the fundamental rights contained in the Part III of the Indian Constitution from Articles 12 to 35 are applicable to all the citizen irrespective of sex, certain fundamental rights contain specific and positive provision to protect the rights of women.

1. Article 14 (Right to Equality): Ensures equality before the law and equal protection of the law to all individuals, irrespective of gender.

2. Article 15 (Prohibition of Discrimination): Prohibits discrimination on the grounds of sex, ensuring equal treatment of women in all spheres of life.

Article 15(3) empowers state to make special provisions for the women and children.

3. Article 16 (Equality of opportunity in matters of public employment)- This Article is confined to equality of opportunity for all citizens in matters of employment or appointment under the state.

Article 16(2) prohibits the state from making any discrimination in respect of any employment or office under the state. The grounds on which discrimination in public employment or office under the State cannot be made are religion, race, caste or descent, place of birth, residence or any of them.

4. Article 23 (Prohibits traffic in human being): It means trade in human beings such as slave trade. It includes trade in women and children for immoral or other purpose.

## III) Directive Principles

Part IV of the Indian Constitution consist The Directive Principles of State Policy incorporate many directives to the State to improve the status of women and for their protection

Article 39(a) directs the State to direct its policy towards securing that the citizen, men and women, equally have the right to an adequate means of livelihood.

Article 39(d) directs the State to secure equal pay for equal work for both men and women.

Article 39(e) specifically directs the State not to abuse the health and strength of workers, men and women.

Article 42 of the Constitution incorporates a very important provision for the benefit of women. It directs the State to make provisions for securing just and humane conditions of work and for maternity relief.

## IV) Specific provision for the protection of Women’s Right

### 1. Article 243(D) Reservation of Seats

Article 243(D) of the Constitution of India deals with the reservation of seats in Panchayat. It covers reservations for women, Scheduled Caste (SCs), and Scheduled Tribes (STs). At least one-third of all seats must be reserved for women. The offices of Chairpersons must be reserved for SCs, STs and women.

### 2. Article 243(T) Reservation of Seats

This article deals with the reservation of seats and offices in municipalities It states that seats must be reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) in every Municipalities. It also states that at least one-third of the reserved seats must be reserved for women.

### 3. The Constitution (One Hundred and Sixth Amendment) Act, 2023

According to this Amendment Act it reserves one-third of seats in the Lok Sabha, State Legislative Assemblies, and the Delhi Legislative Assembly for women.

B) The Hindu Succession Act, 1956

The Hindu Succession Act of 1956 and its amendments grant women equal rights to inherit property and other assets.

C) The Immoral Traffic (Prevention) Act, 1956

This act criminalizes trafficking of women and children for commercial sexual exploitation.

D) The Maternity Benefit Act, 1961

This act ensures that female employees are entitled to paid maternity leave and other maternity benefits.

E) The Medical Termination of Pregnancy Act, 1971

This law guaranteed women the right to safe and legal abortion, promoting reproductive rights.

F) The Equal Remuneration Act, 1976

This act ensures equal wages for men and women for equal work.

G) The Dowry Prohibition Act, 1961

This act criminalized the giving and accepting of dowry, aiming to protect women from this harmful practice.

H) The Protection of Women from Domestic Violence Act, 2005

This act recognized the rights of women in domestic relationships and provided legal recourse against domestic violence.

I) The Prohibition of Child Marriage Act, 2006

This act criminalizes the practice of child marriage, setting the legal age of marriage for women at 18.

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

This act provides legal protection against sexual harassment at the workplace.

K) The Criminal Law (Amendment) Act, 2013

Expands the definition of sexual violence and strengthens punishment for crimes such as rape, acid attacks, and trafficking.

L) The Muslim Women (Protection of Rights on Marriage) Act, 2019

The law criminalized the practice of instant divorce by Muslim men, marking a step toward gender justice in the Muslim community.

These laws were critical steps towards improving the legal framework for women's protection and empowerment.

**Government Policies for the protection of Women's Rights:**

The Indian government has implemented various policies aimed at promoting women's rights, including the National Policy for Empowerment of Women (2001), the National Mission for Empowerment of Women (2010) and the Beti Bachao Beti Padhao campaign (2015) which seek to improve the skewed sex ratio and promote the education of girls.

**Role of Judiciary:**

The Indian judiciary has played a crucial role in interpreting and upholding women's rights:

1. Mohd. Ahmed Khan vs. Shah Bano Begum and Others AIR 1985 SC 945

The Supreme Court ruled in favour of maintenance for divorced Muslim women, emphasizing the need for a uniform civil code.

2. Vishaka & Ors. vs. State of Rajasthan & Ors. AIR 1997 SC 3011

The Supreme Court of India laid down guidelines for the prevention and prohibition of sexual harassment of women at workplace. The court held that “it is the responsibility of every employer or other person in charge of a workplace or institution to prevent or deter sexual harassment and to provide the procedures for the resolution, setting up complaints committee and creating action plans for such complaints.”

3. Indian Young Lawyers Association & Ors. vs. The State of Kerala & Ors. AIR 2018 SC 1690

Supreme Court ruled that the ban on women entering the Sabarimala Temple was unconstitutional. The court ruled in 2018 that the ban violated women’s fundamental rights to practice their religion and to equality.

### **Challenges and Obstacles:**

Despite significant progress, women in India face several persistent challenges:

1. Patriarchal Norms: Deep-rooted gender biases and cultural practices continue to hinder the full realization of women’s rights. The societal preference for male children, dowry-related violence, and gender-based discrimination in education and employment remain major obstacles.
2. Violence against Women: Issues like domestic violence, sexual harassment, and human trafficking continue to be rampant. Social stigma and inadequate legal implementation often prevent women from seeking justice.
3. Lack of Access to Resources: Women, particularly in rural areas, often lack access to healthcare, education, and economic opportunities, limiting their ability to lead independent lives.
4. Underrepresentation in Politics: Although women’s participation in politics has increased, they remain underrepresented in leadership roles, particularly in Parliament and other decision-making bodies.
5. Implementation Gaps: While laws for women’s rights exist, the enforcement and implementation of these laws remain weak, leaving women vulnerable to exploitation and violence.

### **Suggestions:**

To overcome the challenges and further the cause of women's rights in India, the following suggestions can be considered:

1. Strengthening Law Enforcement: More rigorous implementation of existing laws, alongside regular training of law enforcement officers, is necessary to ensure women receive justice.
2. Education and Awareness: A nationwide awareness campaign should be launched to educate both men and women about gender equality, legal rights, and women’s empowerment.
3. Economic Empowerment: Providing women with greater access to financial resources, skills development, and entrepreneurial opportunities will allow them to become more economically independent.

### **Conclusion:**

Post-independence India has witnessed substantial progress in the evolution of women's rights, driven by legislative advancements and judicial intervention. However, more concerted efforts are required to address societal prejudices and promote true gender equality. Empowering

women through education, economic independence, and legal protection will create a more inclusive and equitable society.

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16. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
17. The Criminal Law (Amendment) Act, 2013
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