

WOMEN'S EQUALITY IN INDIA: CONSTITUTIONAL PROVISIONS AND GROUND REALITIES

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ABSTRACT

The Indian Constitution is considered one of the most progressive constitutions in the world. Women have been ensured equal rights and several safeguards through fundamental rights, constitutional provisions, and reservations in local governance. However, the National Family Health Survey-6 (NFHS-6) surveyed 716,397 women from 679,238 households. It found a large gap between constitutional rights and the real situation of Indian women. Data from NFHS-6 (2023-2024), Census-2011, and reports of the Ministry of Women and Child Development (2024-2025) are used in this study to examine issues such as education, health, child marriage, nutrition, economic empowerment, gender-based violence, reproductive rights, and digital access. The study aims to understand the gap between the constitutional provisions and the real situation of Indian women. This study uses a feminist perspective. It shows that equal rights in law do not always bring equal status for women in society. The findings show that women have made progress in some areas.

KEYWORDS: Women's Equality, Indian Constitution, NFHS-6, Gender-Based Violence, Reproductive Rights, Child Marriage,

INTRODUCTION

Women and children constitute 67.7% of the total population. Therefore, their well-being is a key policy priority (Ministry of Women and Child Development [MWCD, 2025]). India's Constitution prohibits sex discrimination and empowers the state to make special provisions for women and children. It guarantees equal livelihood opportunities, equal pay for equal work, and maternity relief for women. However, even after the Constitution came into force, the reality for millions of women remains completely different, revealing a stark and persistent gap between constitutional rights and ground realities. Feminist studies provide an essential lens for understanding this gap. Menon (2012) argues that a "feminist perspective recognises that the hierarchical organization of the world around gender is key to maintaining social order (p. 1)". This reveals that gender inequality is not accidental; it is embedded in our social structure. This explains why, despite all constitutional provisions, the outcomes for women are not the same. Agnes (1999) highlights that "In India, women's rights are often determined by the conflict between the constitutional guarantees and personal laws based on religion and traditions." She explains that granting equal rights under law does not lead to equality in real life. This research paper is based on data from the National Family Health Survey-6 (NFHS-6). This survey was conducted by the International Institute for Population Sciences (IIPS), Mumbai. The survey covered all states and union territories except Manipur. Data were collected from 716,397 women and 100,977 men from 679,238 households.

The study also used the data from the Ministry of Women and Child Development (MWCD) annual report (2024-2025) and the Enumeration Post Survey of Census 2011, which directs the state to make provisions for the creation of just and humane conditions of work; it was published by the Office of the Registrar General and Census Commissioner, India (ORGI, 2014). Using this data and the constitutional guarantees of equality, this paper aims to examine how far India has come and how far it still needs to go.

CONSTITUTIONAL PROVISIONS FOR WOMEN'S EQUALITY

The Indian Constitution provides women's rights through fundamental rights, directive principles of state policy (DPSPs), fundamental duties, and reservations in local governance. The key provisions are as follows:

Under Part III(Fundamental Rights), Article 14 guarantees that the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India, on grounds of religion, race, caste, sex, or place of birth. Article 15(1) prohibits the State from discriminating against any citizen on grounds of religion, race, caste, sex, or place of birth. Article 15(3) allows the State to make special provisions for women and children. Article 16 provides equality of opportunity in matters of public employment and prohibits sex-based discrimination in access to any office under the state. Article 21 says that no person shall be deprived of his life or personal liberty except according to

procedure. Article 23 prohibits traffic in human beings and forced labour. Under Part IV (Directive Principles of State Policy), Article 39(a) promotes equal justice and free legal aid. Article 39(d) mandates equal pay for equal work for both men and women. Article 39(e) protects the health and strength of workers. Article 46 promotes the educational and economic interests of the Scheduled Castes, Scheduled Tribes, and other weaker sections, including women. The Right to Education Act, 2009, guarantees free and compulsory education for all children. Article 42 directs the state to ensure humane working conditions and provide maternity relief. Article 47 directs the state to raise the level of nutrition and standard of living of its people. Article 44 promotes a uniform civil code to ensure greater equality for women. Article 51A(e) imposes a fundamental duty on every citizen to respect the dignity of women. Articles 243D and 243T provide reservations for women in panchayats and municipalities.

EDUCATION AND DIGITAL ACCESS: PROGRESS WITH PERSISTENT GAPS

Constitutional Guarantee Article 21A guarantees free and compulsory Education for all children aged 6–14 years. Article 15 prohibits sex-based discrimination in access to educational institutions.

Table 1 Education and Digital Access Indicators, NFHS-6 vs. NFHS-5 (India)

Indicator (%)	Urban	Rural	NFHS-6	NFHS-5
Female population (6+yrs) ever attended school	84.3	69.2	73.7	71.8
Women (15–49 yrs) with 10+ years of schooling	61.5	39.7	46.4	41.1
Women (15–49 yrs) with 10+ years of schooling	64.0	49.9	54.6	50.2
Women who have ever used the internet	77.3	58.6	64.3	33.3
Men who have ever used the internet	87.1	77.1	80.5	51.2

Note. Data compiled from IIPS, NFHS-5, and NFHS-6.

GROUND REALITY

NFHS-6 data indicate that female education has improved, but gender gaps remain. School attendance among females is 73.7% nationally and 69.2% in rural areas. Women also have lower levels of higher education than men (46.4% vs. 54.6%). A gap exists between rural and urban women in education (39.7% vs. 61.5%). Women also have less internet access than men (64.3% vs. 80.5%). Although Article 21A guarantees education for everyone, 30.8% of rural girls above six years of age have never gone to school. This shows that equal educational opportunities are still not available to many people in rural areas and poor areas.

CHILD MARRIAGE: VIOLATION OF CONSTITUTIONAL RIGHTS

Constitutional Legal Guarantee Article 21(Right to Life and Personal Liberty) and Article 15 (Right against Discrimination) protect women from child marriage. The Prohibition of Child Marriage Act 2006 sets the minimum age at 18 years for women and 21 years for men. In 2021, the government proposed increasing the minimum marriage age for women to 21. However, the proposal has not been approved yet.

Table 2 Child Marriage and Adolescent Fertility Indicators, NFHS-6 vs. NFHS-5 (India)

Indicator(%)	Urban	Rural	NFHS-6	NFHS-5
Women (20–24 yrs) married before age 18	11.4	23.3	20.1	23.3
Women (25–29 yrs) married before age 21	9.7	19.0	15.9	17.7
Women (15–19 yrs) who are mothers or pregnant	3.4	7.9	6.7	6.8

Note. Data compiled from IIPS, NFHS-5, and NFHS-6.

GROUND REALITY

Table 2 shows data on child marriage and teenage Pregnancy in India (IIPS, 2026). Although child marriage is illegal, still 20.1% of women aged 20-24 were married before 18 years of age. The rates are higher in rural areas, where child marriage affects 23.3% of women and teenage pregnancy affects 7.9% of girls. These issues affect girls' education, health, and financial independence. Despite laws banning child marriage, one in five young women in India is still married before turning 18.

MATERNAL HEALTH: THE RIGHT TO LIFE AND DIGNITY

Constitutional Guarantee Article 42 (DPSP) supports maternity benefits for women. Article 21 includes the right to maternal healthcare. The Maternity Benefit (Amendment) Act (2017) provides paid maternity leave. The Pradhan Mantri Matru Vandana Yojana (PMMVY) offers financial support to pregnant and lactating Women, with ₹2,067.87 crore allocated to the scheme in 2024-25.

Table 3 : Maternal Health Indicators, NFHS-6 vs. NFHS-5 (India)

Indicator (%)	Urban	Rural	NFHS-6	NFHS-5
Mothers with 1st-trimester ANC check-up	81.4	74.4	76.2	70.0
Mothers with any ANC visit	96.2	95.8	95.9	92.6
Mothers with 4+ ANC visits	75.8	61.4	65.2	58.5
Institutional births	95.2	89.0	90.6	88.6
Births attended by skilled health personnel	95.3	90.0	91.3	89.4
Births by caesarean section	40.5	22.8	27.2	21.5
C-Section births in private	57.4	52.2	54.1	47.4

facility				
Mothers receiving postnatal care within 2 days	88.6	80.7	82.8	78.0
Iron folic acid consumed 100+ days	67.4	50.3	54.9	44.1

Note. Data compiled from IIPS, NFHS-5, and NFHS-6 and ANC = Antenatal Care

Ground Reality Table 3 shows improvements in maternal healthcare. Institutional deliveries reached 90.6%, and 95.9% of mothers received at least one antenatal care (ANC) visit. However, access to four or more ANC visits remains lower in rural areas (61.4%) than urban areas (75.8%). Caesarean births are also high. Especially in urban areas (40.5%) and private hospitals (54.1%). Although more women now give birth in hospitals, gaps in pregnancy care remain. Rising C-section rates in private hospitals also raise concerns about unnecessary medical procedures and women's rights under Article 21.

WOMEN'S NUTRITION

Constitutional Guarantee Article 47 (DPSP) directs the state to improve the nutrition and living standards of people. Article 21 includes the right to adequate food and nutrition. POSHAN Abhiyan is the main government programme to improve nutrition among women and children.

Table 4 Nutritional Status of Women (15–49 Years), NFHS-6 vs. NFHS-5

Indicator (%)	Urban	Rural	NFHS-6	NFHS-5
Women with BMI below normal (<18.5 kg/m ²) -underweight	13.2	22.5	19.7	18.7
Women who are overweight or obese (BMI ≥25.0 kg/m ²)	42.8	25.5	30.7	24.0
High blood sugar (>140 mg/dl or on medication)	21.9	16.2	17.8	13.5
Elevated blood pressure (Systolic ≥140 or on medication)	23.5	17.8	19.4	21.3

Note. Data compiled from IIPS, BMI = Body Mass Index.

Ground Reality NFHS-6 data show that Indian women face undernutrition and overweight-related health problems (IIPS, 2026). About 19.7% of women have a body mass index (BMI) below 18.5 kg/m². On the other hand, 30.7% have a BMI of 25 kg/m² or above, including both undernutrition and overweight-related health concerns.

High blood sugar (17.8%) and hypertension (19.4%) are increasing among women. The rising rate of underweight women also highlights ongoing nutrition and health issues.

WOMEN'S EMPOWERMENT: ECONOMIC AND DECISION-MAKING RIGHTS

Constitutional Guarantee Articles 14 and 16 both guarantee equal opportunities for women in employment. Articles 39(a) and 39(d) promote equal and equal livelihood. Article 243D

reserves one-third of panchayat seats for women promote political participation.

Table 5 Women's empowerment Indicators, NFHS-6 vs. NFHS-5 (India)

Indicator (%)	Urban	Rural	NFHS-6	NFHS-5
Currently married women participating in 3 household decisions	91.4	88.0	89.0	88.7
Women who worked in last 12 months and were paid in cash	29.8	31.2	30.8	25.4
Women having a bank/savings account they themselves use	88.3	89.3	89.0	78.6
Women having a mobile phone they themselves use	77.6	57.4	63.6	53.9
Households with female members owning house/land	18.2	19.1	18.8	14.0
Women (15–24 yrs) using hygienic menstrual protection	90.7	75.0	79.2	77.6

Note. Data sourced from IIPS.

Ground Reality Table 5 shows that more women now have bank accounts (89.0%), but only 30.8% paid for their work. Many women still have limited access to mobile phones and property ownership, especially in rural areas.

GENDER-BASED VIOLENCE: THE RIGHT TO A LIFE OF DIGNITY

Constitutional Guarantee Article 21 protects women from violence; and Article 15(3) supports their safety and dignity. Several laws, including the Domestic Violence Act (2005) and Workplace Harassment Act (2013), protect women. The National Commission for Women (NCW) received 25,743 complaints in 2024, highlighting the continued challenges faced by women (MWCD, 2025).

Table 6 Gender-Based Violence Indicators, NFHS-6 vs. NFHS-5 (India)

Indicator (%)	Urban	Rural	NFHS-6	NFHS-5
Ever-married women (18–49) who experienced spousal violence)	17.5	24.4	22.3	29.2
Ever-married women experiencing physical violence during pregnancy	2.3	2.9	2.7	3.1
Young women (18–29) who experienced sexual violence by age 18	0.4	0.8	0.7	1.2

Note. Data sourced from IIPS (2026). Spousal violence is defined as physical and/or sexual violence by the current or former husband.

Ground Reality According to NFHS-6 (IIPS, 2026), spousal violence declined from 29.2% to 22.3%. The rate is higher in rural areas (24.4%) than in urban areas (17.5). Physical violence during pregnancy affects 2.7% of women, which can affect the health of both mother and child.

The Protection of Women from Domestic Violence (2005) and The Criminal Law (Amendment) Act (2013) aim to protect women from violence. However, the registration of 25,743 NCW complaints in 2024 (MWCD, 2025) confirms that violence against women remains a big problem of nation.

REPRODUCTIVE RIGHTS AND FAMILY PLANNING: BODILY AUTONOMY UNDER THE CONSTITUTION

Constitutional Guarantee In *Suchita Srivastava v. Chandigarh Administration* (2009), the Supreme Court held that Article 21 protects the reproductive rights of women. It affirmed that one in four married women still experiences spousal violence. In 2024, the NCW received 25,743 complaints. This shows that many women still face that women have the right to decide whether and when to have children.

Table 7 Family Planning Indicators, NFHS-6 vs. NFHS-5 (Currently Married Women, 15–49 Years)

Indicator (%)	Urban	Rural	NFHS-6	NFHS-5
Using any family planning method	69.6	68.9	69.1	66.7
Using any modern method	52.9	52.7	52.7	56.4
Female sterilization	32.6	38.1	36.5	37.9
Male sterilization)	0.4	0.5	0.5	0.3
Total unmet need for family planning	7.0	9.1	8.5	9.4
Unmet need for spacing	3.5	4.9	4.5	4.0
Unmet need for limiting	3.5	4.2	4.0	5.4

Ground Reality Table 7 shows that contraceptive use has increased to 69.1% (IIPS, 2026). However, Female sterilization (36.5%) is higher than male sterilization (0.5%). Many women still cannot access family planning services. It affects 8.5% of women nationally. In rural areas, the rate is 9.1%.

A NOTE ON DATA QUALITY AND ENUMERATION

This research paper mainly uses NFHS-6 data. The Census of India 2011 Post-Enumeration Survey (PES) found that males and females were counted almost equally across the country (ORGI, 2014). This means the gender gap in this research is real. It is not due to data collection errors. However, urban girls and widowed or divorced women had higher omission rates. However, many challenges remain. This indicates that these women remain more vulnerable than others.

CONCLUSION

The findings of this study show both progress and continuing challenges for women. Spousal violence has decreased from 29.2% to 22.3%. Institutional deliveries have

increased to 90.6%. Bank account ownership among women has reached 89.0%; also, child marriage has fallen from 23.3% to 20.1%. These improvements show the positive impact of laws and government schemes. However, many women still do not enjoy equal rights in practice. One in five women is married before the age of 18. One in four married women has experienced spousal violence. Only about one in three women receives payment for her work. Many rural women remain underweight. These challenges are greater in rural and disadvantaged communities. As Menon (2012) explains, gender inequality is deeply rooted in society. Agnes (1999) explains that patriarchal social norms continue to limit women's equality. Therefore, the effective implementation of laws such as the Protection of Women from Domestic Violence Act (2005), the Prohibition of Child Marriage Act (2006), and the Equal Remuneration Act (1976) is needed. More investment in education, health, employment, digital literacy, and nutrition is much needed. India has a strong constitutional and legal system, but real gender equality requires strong law implementation and positive social change.

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