

Constitutional Safeguards and Human Rights of Vulnerable Women in India — A Critical Study

Patil Swati Kiran

Research scholar,
Dayanand College of Law, Latur.

Dr. Jadhav N.D

Associate Professor
Dayanand College of Law, Latur.

Abstract

The Constitution of India guarantees equality, non-discrimination, and human dignity as fundamental rights for all citizens. For vulnerable women—such as those who are poor, living in rural areas, disabled, widowed, or survivors of violence—these constitutional guarantees are especially important for the protection of their human rights. However, despite strong constitutional provisions, many vulnerable women continue to face discrimination and violations of their rights due to social customs, economic difficulties, and weak enforcement of laws. This article critically examines the constitutional safeguards available to vulnerable women in India, identifies major gaps in their implementation, and suggests measures to strengthen protection mechanisms so that real equality and justice can be achieved.

1. Introduction

Vulnerable women in India often face multiple disadvantages because of factors such as caste, poverty, disability, and social exclusion. The Constitution of India recognizes their fundamental rights and provides a legal framework to protect and promote these rights. The constitutional vision is to build an inclusive society where every citizen enjoys equality, dignity, and freedom. However, the existence of laws alone is not sufficient to remove deep-rooted social and structural inequalities. This study seeks to examine the constitutional safeguards provided to vulnerable women and to analyze the challenges faced in the actual realization of their human rights.

2. Constitutional Framework Protecting Women's Human Rights

2.1 Equality Before Law (Article 14)

Article 14 guarantees equality before the law and equal protection of the laws to every person. It prevents arbitrary or unfair treatment by the State and forms the foundation for justice. This provision is

essential for ensuring fairness and legal protection for vulnerable women.

2.2 Prohibition of Discrimination (Article 15)

Article 15 prohibits discrimination on the grounds of sex, caste, religion, race, or place of birth. Article 15(3) allows the State to make special provisions for women and children. This provision supports affirmative action and welfare measures aimed at improving the social and economic condition of women and correcting historical inequalities.

2.3 Equality of Opportunity (Article 16)

Article 16 ensures equal opportunity in matters of public employment. Although it does not directly address human rights violations, it helps promote economic empowerment of women by ensuring fair access to employment and reservation benefits.

2.4 Right to Life and Personal Liberty (Article 21)

Article 21 guarantees the right to life and personal liberty. The Supreme Court has interpreted this right broadly to include the right to live with dignity, bodily integrity, sexual autonomy, and access to justice. This interpretation is especially important for protecting vulnerable women from violence, exploitation, and abuse.

2.5 Directive Principles of State Policy

The Directive Principles of State Policy, though not enforceable by courts, guide the State in

framing policies for social justice. Articles such as 39(a), 39(d), and 42 direct the State to ensure equal livelihood opportunities, equal pay for equal work, protection of motherhood, and humane working conditions. These principles aim to reduce socio-economic inequalities affecting vulnerable women.

3. Human Rights Protection Through Judicial Interpretation

The judiciary, especially the Supreme Court of India, has played an important role in strengthening women's rights by expanding the interpretation of constitutional provisions. Some important judgments include:

- **Vishakha v. State of Rajasthan (1997)** – The Court recognized sexual harassment at the workplace as a violation of Article 21 and laid down guidelines to prevent it. These guidelines later became law.
- **Lilly Thomas v. Union of India (2013)** – The Court upheld equality before the law by addressing discriminatory provisions related to age exemptions in criminal law.
- **Independent Thought v. Union of India (2017)** – The Court removed the marital exception in cases involving sexual relations with minors, thereby strengthening protection for young girls.

Through such judgments, the judiciary has helped bridge gaps where legislation was insufficient or delayed.

4. Gaps Between Constitutional Guarantees and Reality

Despite strong constitutional protections, vulnerable women continue to face serious challenges in practice.

4.1 Patriarchal Social Structure

Patriarchal attitudes limit women's freedom and dignity. Violence against women is often treated as a private family matter rather than a serious human rights violation. This results in underreporting of crimes and social acceptance of abuse.

4.2 Inadequate Implementation of Laws

Although laws such as the Protection of Women from Domestic Violence Act, 2005 and the Sexual Harassment of Women at Workplace Act, 2013 exist, their implementation is weak. Lack of trained personnel, insufficient resources, and poor accountability reduce their effectiveness.

4.3 Economic Dependence and Access to Justice

Many vulnerable women are economically dependent, which discourages them from seeking legal remedies. High litigation costs, lack of legal aid, and fear of social stigma prevent women from approaching courts.

4.4 Institutional Barriers

Police and other law enforcement agencies often lack gender sensitivity. Bias, delay, and insensitivity in handling cases discourage women from filing complaints and pursuing justice.

5. Case Studies Highlighting Gaps

Various reports and case studies reveal serious systemic failures:

- Low conviction rates in domestic violence cases reflect poor investigation and prosecution.
- Women with disabilities face serious barriers in accessing justice due to lack of infrastructure and procedural support.
- In rural areas, sexual violence cases often result in compromise or withdrawal due to social pressure, stigma, and lack of institutional support.

6. Suggested Measures for Reform

To strengthen the protection of human rights of vulnerable women, the following steps are necessary:

6.1 Strengthening Legal Enforcement

- Provide regular gender-sensitivity training to police and judicial officers.
- Establish fast-track courts to ensure speedy disposal of women-related cases.

6.2 Awareness and Education

- Conduct legal awareness programs to inform women about their rights and remedies.
- Involve community leaders and civil society organizations in spreading awareness.

6.3 Economic Empowerment Programs

- Promote skill development, education, and employment opportunities for women to reduce economic dependence and vulnerability.

6.4 Legislative Reforms

- Reconsider the criminalization of marital rape in line with constitutional values of dignity and equality.
- Further strengthen laws related to sexual violence, workplace harassment, and victim support services.

7. Conclusion

The Constitution of India provides a strong legal foundation for the protection of the human rights of vulnerable women through principles of equality, dignity, and non-discrimination. Judicial interpretations have expanded these rights, but significant socio-legal challenges remain. Patriarchal attitudes, weak enforcement of laws, economic hardship, and institutional bias continue to limit the effectiveness of constitutional safeguards. A holistic approach—combining legal reform, social awareness, economic empowerment, and strong enforcement mechanisms—is essential to ensure real protection and justice for vulnerable women in India.

References

1. Constitution of India, Articles 14, 15, 16, 21, 39, 42.
2. *Vishakha v. State of Rajasthan*, AIR 1997 SC 3011.
3. *Lilly Thomas v. Union of India*, (2013) 1 SCC 49.
4. *Independent Thought v. Union of India*, (2017) 10 SCC 800.
5. Protection of Women from Domestic Violence Act, 2005.
6. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
7. Human Rights Watch, *Access to Justice for Women in India*, 2018.
8. Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India*, Oxford University Press, 2011.
9. Upendra Baxi, *The Future of Human Rights*, Oxford University Press, 2006.
10. National Commission for Women, Government of India, Annual Reports.