
“NARI NYAY: RIGHTS BEYOND PAPER”

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DOI: <https://doi-doi.org/101555/ijarp.8313>**ABSTRACT**

This chapter talks about the rights of women in India. The constitution gives equal rights to men and the women, but in reality many women still face problems like less education, early marriage, and violence. The chapter explains important laws made for women's safety and equality, like the rights to education and equal pay. It also tells why just making laws is not enough. Society must change its thinking. The chapter ends by saying that when women get equal rights, the whole country develops faster. This chapter examines the evolution of women's rights from a framework of protection to one of participation. It traces key legal milestones, including the Hindu Succession Amendment Act 2005, the Criminal Law Amendment 2013, and the recent Nari Shakti Vandan Adhiniyam 2023. The chapter argues that legal rights alone are insufficient without social reform and economic empowerment. The goal is to move from “giving” rights to “claiming” them.

KEYWORDS: Equality Art 14, Patriarchy, Equal pay, Property rights, Dowry Prohibition, Domestic Violence, POSH Act, Triple Talaq Ban.

INTRODUCTION

The Constitution of India promises justice, liberty, and equality to all its citizens, irrespective of gender. **Articles 14, 15 and 16** form the bedrock of women's rights, ensuring equality before law, prohibiting discrimination, and guaranteeing equal opportunity in public employment. Over seven decades, Parliament has enacted progressive legislations- from the Hindu Succession (Amendment) Act, 2005 granting daughters equal coparcenary rights, to the Criminal Law (Amendment) Act, 2013 strengthening protections against sexual violence,

and most recently the Nari Shakti Vandan Adhiniyam, 2023 reserving 33% seats for women in Parliament in state Assemblies.

Yet, the lived reality of millions of Indian women reflects a stark paradox: rights exist on paper, but justice remains distant on the ground. **NFHS-5** reveals that only **23%**, of women own land, the female labour force participation rate hovers around **25%**, and **NCRB 2023** reports a crime against women every 16 minutes. This gap between de jure and de facto rights is the central theme of this chapter.

“**Nari Nyay: Rights Beyond Paper**”, this chapter moves beyond a mere listing of laws. It examines why constitutional promises fail to translate into everyday dignity, analyzes structural barriers like patriarchy, economic dependence, and weak implementation, and explores the pathway from legal entitlement to substantive empowerment. The argument is simple: Nari Nyay cannot be achieved by legislation alone; it demands social transformation, institutional accountability, and women’s own agency as stakeholders, not beneficiaries.

Historical and Constitutional backdrop of Nari Nyay

The idea of Nari Nyay, or justice for women, is not new to India. Ancient texts like the Manusmriti restricted women’s autonomy, while reformers like Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, and Savitribai Phule fought against practices like Sati, child marriage, and denial of education in the 19th century.

The freedom movement further linked women’s emancipation with national emancipation, with leader like Sarojini Naidu and Annie Besant demanding political rights.

Post-independence, the constitution of India became the first and strongest pillar of Nari Nyay. The Preamble promised justice, liberty, and equality; **Article 14** ensured equality before law; **Article 15(3)** allowed the state to make special provisions for women; and Directive Principles under **Article 39** directed equal pay for equal work. Despite this robust legal architecture, India’s performance on gender indices remains poor. The Global Gender Gap report 2024 ranks India **129** out of **146** countries. **NFHS-5** data shows only **23%** women own land, **25.1%** participate in the labour force, and **29.3%** women aged **15-49** have experienced spousal violence. The **NCRB 2023** recorded over **4.4 lakh** crimes against women, translating to one every 16 minutes.

This paradox forms the background of the present chapter. The problem is no longer absence of law, but absence outcomes. Colonial rule, deep rooted patriarchy, socio-economic

dependency, poor legal literacy, and weak implementation have created a chasm between rights on paper and justice in life.

Therefore, “Nari Nyay: Rights Beyond Paper” examines this implementation gap. The chapter situates itself at the intersection of law, society, and governance to answer: Why do constitutional guarantees fail to transform women’s lived realities, and what structural changes are needed to ensure Nyay moves from text to texture of everyday life?

Importance of Nari Nyay- Why it matters for Everyone, not just women

1. **Constitutional Importance-** Fulfilling the Promise of the Republic-The Preamble promises justice, liberty, Equality, and Fraternity to all. Without Nari Nyay, these remain hollow words for 50% population. **Article 14,15,21** can only be realized when women access rights in real life, not just in courts. Nari Nyay completes the constitutional project of India.
2. **Economic Importance-** India can add \$770 Billion to **GDP by 2025** just by advancing women’s equality. **NFHS-5**; Women do 3x more unpaid care work than men. If valued, it’s **15-17% of GDP**. Nari nyay= equal pay+ Property rights + Safe workplaces = More women in economy = Faster Viksit Bharat 2047.
3. **Social Importance-** Educated mothers ensure 90% child immunization vs 55% for uneducated mothers. **UNICEF**: Girls with secondary education are 6x less likely to marry as children.
Nari Nyay = Educated girl ~~Health~~ family ~~Educated~~ next generation. One woman’s nyay change 3 generations.
4. **Political importance-CURRENT LOK SABHA: 14.7%** women MPs Panchayats: 46% women due to reservation.
5. **Evidence.** Women-led Panchayat invest **62%** more in drinking water, **30%** more in roads.
Nari Nyay ensures policies on health, education, safety get priority because lived experience enters Parliament.
6. **Legal Importance-**We have 50+ women-centric laws. But NCRB 2023:Conviction rate in rape cases only **27.4%**

POSH ACT: **70%** working women unaware of ICC.

Nari nyay = Legal literacy + fast-track courts + Budget for implementation. Without this, laws are just Kagazi sher.

Landmark Judgements That Shaped Nari Nyay-

A. Personal Liberty and Dignity

1. Shayara Bano vs UOI 2017- Triple Talaq Case

Fact: The Shayara Bano vs Union of India case arose after Shayara Bano challenged her instant divorce and questioned the constitutional validity of triple talaq. Shayara Bano married Rizwan Ahmad on 11 April 2001 according to Muslim Shariat law. The couple had two children, a son and a daughter, during their marriage.

Held: Instant Triple Talaq is arbitrary, violates **Art 14**, and unconstitutional.

Importance: Personal Laws are subject to fundamental Rights. Led to Muslim Women Act 2019. Secured dignity for 90 million Muslim women.

2. Lata Singh vs State of UP 2006

Fact: A major (adult) woman has the right to marry anyone of her choice, regardless of caste, and cannot be prosecuted for it. The court ruled that familial disapproval does not justify violence, harassment, or false criminal charges against inter caste.

Held: Adult woman has right to marry person of choice under **Art 21**. Honour crimes are illegal; State must give police protection

Importance: Judicial shield against Khap panchayat. Right to choose partner = core of Nari Nyay.

B. Economic Rights

3. Vineeta Sharma vs Rakesh Sharma 2020

Fact: Daughters have equal coparcenary rights in Hindu Undivided Family (HUF) property by birth, regardless of whether their father was alive on September 9, 2005, when the Hindu Succession (amendment) Act was passed.

Held: Daughter's rights in coparcenary property is by birth. Father alive on 9.9.2005 not required.

Importance: Biggest economic judgement for women. 20+ million women gained property rights. Financial independence → Power to leave abusive marriages.

4. Workplace & Public space safety

4. Vishaka vs State of Rajasthan 1997

Fact: Bhanwari Devi was gang-raped by men from her village because she was active in stopping a child marriage, exposing the severe lack of workplace safety for women in rural India.

Held: In absence of law, SC laid down guidelines using CEDAW + **Art 14, 19, 21**. Employment must set up ICC, spread awareness.

Importance: Operated as law for 26 years. Created legal duty for safe workplace. Basis of POSH Act 2013.

5. Body & Sexual Autonomy

5. K.S. Puttaswamy vs UOI 2017

Fact: 9 judge bench unanimously declared the right to privacy as a fundamental right under Article 21 of the constitution. Initiated to challenge the Aadhaar scheme, the judgment affirm privacy as an intrinsic, non-negotiable part of human dignity and personal liberty.

Held: Rights to privacy is part of **Art 21**. Includes autonomy over body, marriage, procreation, sexual orientation.

Importance: Constitutional base for abortion rights x vs Sate 2022, anti-marital rape petitions, surrogacy rights.

6. Joseph Shine vs UOI 2018

Fact: The court ruled that the law, which held men criminally liable for sleeping with another man’s wife without his consent, was unconstitutional, violated Articles 14,15 and 21 by treating women as property of their husbands and violating individual sexual autonomy.

Held: Adultery Law sec 497 IPC struck down. Treats woman as victim, not offender, and husband as master.

Importance: Ended 158-year-old Victorian law. Recognised women as individual, not husband’s chattel.

Issue	Explanation	Example/Data	Impact of Nari nyay
1. Legislative Gaps	Key areas still unregulated	No Law on marital rape-Exception 2, sec 63 BNS 2023. 1 in 3 married women face spousal violence-NFHS-5	Bodily autonomy denied. Privacy judgement Puttaswamy not implemented
2. Contradictory	Different rights for different religions	Hindu daughter gets coparcenary right after Vineeta Sharma, but Muslim daughter get only ½ share of son under Shariat	Art 14 violated. Equality depends on religion of birth
3. Poor Drafting & Loopholes	Laws exist but unenforceable	Sec 498 IPC misused vs underused debate Police reluctant to file FIR. Dowry Prohibition Act conviction rate 13.8% - NCRB 2022	Genuine victims suffer, law gets bad name
4. Delayed Justice	Justice delayed= justice denied	4.4 Lakh cases pending under Crimes Against Women.	Victim fatigue, hostile witnesses, lo conviction 26%

FINDING AND OBSERVATION

This chapter presents findings and observations based on doctrinal analysis of law, judgement, government, data, and field-level realities regarding Nari Nyay in India. The study covers 2015-2026 to assess progress post Nirbhaya Movement, Beti Bachao Beti Padhao, and landmark judgements like Vineeta Sharma 2020 and Joseph Shine 2018.

METHODOLOGY:

Secondary data from **NCRB 2023**, **NFHS -5**, **PLFS 2023**, Supreme court cases, plus primary survey of 50 women in Saharanpur (UP) in April 2026.

NOTE-legal Rights Expanded, but Awareness Gap Persists

1. Law Progress: 50+ women-centric laws exist. Post-2013 criminal law amendments, POSH Act 2013, DPDP Act 2023, Nari Shakti Vandan Adhiniyam 2023 passed.
2. Judgments Progress: Vineeta Sharma 2020 gave equal coparcenary rights. Joseph Shine 2018 upheld sexual autonomy.
3. Ground Reality: Field survey in Saharanpur: Only 28% women knew about Vineeta Sharma judgment. 92% had not heard of POSH Act ICC.

Crime Reporting Increased, Conviction Decreased

Year	Crimes Against Women-NCRB	Conviction Rate
2015	3,27,394	21.7%
2023	4,45,256	26.5%

“Nari Nyay as Rashtra Nirmaan: Structural Reform for Viksit Bharat 2047”

1. Enact Article 21B- Right to be free from Gender-Based Violence- Current protection from violence flows from judicial interpretation of Article 21 in Puttaswamy. A dedicated **Article 21B** will create a positive duty on the state, similar to **Article 21A** on education. This makes Nari nyay justiciable. If police refuse FIR or one stop centres are absent, the state violates a fundamental right.

Link to Viksit Bharat- rule of law and safety are prerequisites for FDI and urbanization. The world bank estimates gender-based violence costs India 1.5% of GDP annually. Constitutionalising protection directly aids economic growth and global investor confidence.

2. Enact Gender-Just Uniform Civil Code- Shayara Bano vs. Union of India held that personal laws are subject to fundamental rights. Despite this, inheritance, divorce, and guardianship rights differ by religion. A UCC based on the Uttarakhand UCC 2024 model

with equal inheritance, ban on polygamy, and compulsory marriage registration must be enacted with tribal safeguards under Schedules **V and VI**.

Link to Viksit Bharat- Legal certainty and equality promotes social cohesion. A unified family law reduces litigation load by **27%** as per Law commission estimates, improving Ease of doing business and Ease of living indices.

3. Constitutional Status for National Commission for Nari nyay- The National Commission for Women is statutory and advisory. It should be replaced by a Constitutional body under **Article 338B** with powers to investigate, prosecute negligent officers, audit gender budget, and issue binding directions like the Election Commission.

Link to Viksit Bharat- Independent institutions are a market of development nations. A constitutional NCNN will ensure continuous monitoring, making gender justice independent of political cycles.

4. Mission 50:50- Land and Asset Ownership by 2047- Vineeta Sharma vs. Rakesh Sharma granted equal coparcenary rights, but only **14%** women own land as per agriculture census 2015-16. Structural reform requires auto-mutation of land in daughters' names upon death registration through Aadhaar- linked records. For all new property, 50% joint ownership in wife's name should be mandatory, following Maharashtra's 1994 precedent. Tehsil level inheritance tribunals with 90 day disposal will break the patwari- brother nexus.

Link to Viksit Bharat- McKinsey Global Institution notes gender parity in work can add \$770 billion to India's GDP by 2025. Land ownership reduces domestic violence by 33% and increase agriculture productivity by 20%. Nari nyay thus directly becomes Arthik Nyay and Rashtra Nirmaan.

5. Labour Code 4.5- formalising 92% Women Workers- The four Labour Codes 2020 excludes gig, domestic, and home- based workers where 92% women are employed.

“Employee” must be redefined to include these categories, granting them POSH Act protection, maternity benefits, and portable social security via one social security number. PLI schemes must mandate 33% women employment.

Link to Viksit Bharat – Formalisation increase tax base, productivity, and skilling. A development economy cannot run on informal, unprotected labour.

CONCLUSION: Nari nyay – from Constitutional Promise to Foundation of Viksit Bharat 2047-

Nari nyay is not a concession to women but a constitutional imperative and a prerequisite for Rashtra Nirmaan. The journey from Vishaka to Vineeta Sharma, from Article 13(3) to

Puttaswamy, reflects the law's progressive recognition that equality must be substantive, not formal. Yet NCRB 2023, NFHS-5, and PLFS data reveal a persistent gap: laws exist, but justice is distant. Marital rape remains legal, land mutations remain pending, and 45% women still justify violence. This proves that Nari nyay cannot be achieved by judgements alone; it demands structural transformation.

As Dr. B.R. Ambedkar warned, social democracy is the foundation of political democracy. Viksit Bharat 2047 cannot be built on a \$30 trillion GDP while half its citizens lack the freedom to leave a violent home, claim parental property, or walk safely at night. Nari nyay is thus not a women's issue; it is the substructure of national development. The test of Viksit Bharat will not be skyscrapers or satellites, but whether a Dalit girl in Gokul can access land, law, and liberty without fear, favour, or delay.

The Constitution gave us the mandate; Rashtra Nirmaan now demands the mission. When Vineeta Sharma reaches the Patwari's register, Vishaka reaches every factory floor, and Puttaswamy reaches every bedroom, Nari nyay will cease to be an aspiration and become India's lived reality. Only then will Nari nyay truly become Rashtra Nirmaam.

REFERENCE

Books:

1. Human rights of Women- by S.K. Kapoor(abstract and introduction)
2. Justice for Women: Personal Laws, Women's Rights and Law Reform- edited by Indira Jaising.(historical information and the problem faced by the women)
3. Gender Justice- by B.R. Verma(issue and challenges)
4. Women and law in India- by Flavia Agnes
5. (some data and important information are mentioned from some specific Acts like-
6. Domestic Violence Act
7. Dowry Prohibition Act
8. POSH Act
9. Hindu marriage Act

Website:

1. indiacode.nic.in
2. sci.gov.in (for landmark judgements related to women justice.
3. Legalserviceindia.com