



EMPOWERMENT OR EXCLUSION: A COMPARATIVE STUDY OF WOMEN'S RIGHTS IN PRE AND POST INDEPENDENT INDIA

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ABSTRACT :

This research explores the complex trajectory of women's rights in India by conducting a comparative study of their status before and after the country's independence in 1947. The study aims to critically assess whether the post-independence period led to true empowerment for women or whether exclusionary practices continued to dominate their lives, despite legal and constitutional advancements.

In pre-independence India, women were subjected to rigid patriarchal norms that confined them to domestic roles, with limited access to education, property rights, and public participation. The British colonial administration, along with traditional societal structures, reinforced gender discrimination, although some reform movements, such as those led by social reformers like Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar, initiated legal reforms aimed at improving the position of women. However, these reforms were often piecemeal and failed to substantially challenge the deeply entrenched patriarchal attitudes in Indian society.

The post-independence period in India witnessed a shift towards legal and constitutional empowerment for women. The Indian Constitution, adopted in 1950, granted women equal rights and prohibited discrimination on the grounds of sex. Several laws were enacted to protect women, such as the Hindu Succession Act (1956), which granted women the right to inherit property, and the Dowry Prohibition Act (1961), which sought to curb dowry-related violence. However, the implementation of these laws remained uneven, and many women continued to face exclusion from economic, political, and social spheres.

Additionally, the study examines the role of post-independence political movements, feminist organizations, and social activism in shaping women's rights discourse. While independence brought about a new legal framework, entrenched social norms and inequalities, particularly in rural areas and among marginalized communities, continued to limit the opportunities available to women. The impact of globalization and economic liberalization on women's rights also warrants attention, as it has led to both advancements in education and employment for some women and exacerbated inequalities for others.

By analysing legal reforms, societal attitudes, and the impact of political and social movements from both historical and contemporary perspectives, this study aims to determine whether post-independence India has truly empowered women or whether exclusionary practices and barriers persist. The research highlights the tension between the legal recognition of women's rights and the practical challenges of achieving gender equality, offering insights into the ongoing struggle for women's full participation in Indian society. Through this lens, the paper contributes to the broader conversation about gender justice in post-colonial societies, with particular focus on the intersections of law, culture, and gender in India

INTRODUCTION

BACKGROUND OF WOMEN'S RIGHTS IN INDIA

Women's rights in India have undergone a significant transformation from the pre-independence era to the post-independence period. Before independence, Indian society was deeply patriarchal, with limited social, educational, and political rights for women. Practices such as child marriage, purdah, and sati restricted women's autonomy, while access to education and employment was scarce. However, the social reform movements of the 19th and early 20th centuries, led by figures like Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, and Mahatma Gandhi, began to challenge these norms. Women like Sarojini Naidu and Annie Besant played vital roles in the freedom struggle, gradually asserting their presence in public life.

Post-independence, the Indian Constitution marked a turning point by granting equal rights to women in all spheres. Legal reforms such as the Hindu Code Bills, which included the Hindu Marriage Act (1955) and the Hindu Succession Act (1956), provided women with rights in marriage, inheritance, and property. Over the decades, various laws addressing dowry, domestic violence, workplace harassment, and child marriage were enacted to further safeguard women's rights. Despite these advances, societal attitudes and gender-based discrimination remain persistent challenges. Women still face barriers in political representation, education, employment, and safety. However, increased awareness, activism, and government initiatives continue to push for gender equality. Thus, while pre-independence India laid the foundation for reform through social movements, post-independence India institutionalized those reforms, leading to gradual but significant progress in the recognition and realization of women's rights.

RESEARCH OBJECTIVES AND QUESTIONS

Research Objectives:

1. To analyse the status of women's rights in pre-independence India, focusing on legal, social, educational, and political aspects.
2. To examine the development of women's rights in post-independence India, with reference to constitutional provisions, legal reforms, and social change.
3. To compare the extent of women's empowerment or exclusion across the two time periods.
4. To explore the role of reformers, movements, and state policy in shaping women's rights before and after independence.
5. To identify ongoing challenges and gaps in the realization of women's rights despite legal advancements.

Research Questions:

1. What were the key social and legal conditions affecting women's rights in pre-independence India?
2. How did the Indian independence movement influence women's participation and their demand for rights?
3. What constitutional and legal measures have been implemented in post-independence India to promote women's rights and empowerment?
4. In what ways has the status of women improved or remained stagnant after independence, particularly in areas like education, employment, and political participation?
5. How do historical patterns of exclusion continue to influence the experience of Indian women today?
6. Can post-independence legal reforms be considered a form of true empowerment, or do they reflect a shift in the form of exclusion?

SCOPE AND SIGNIFICANCE OF THE STUDY

This study explores the evolution of women's rights in India, comparing the pre-independence and post-independence periods. The scope includes examining legal frameworks, social norms, political participation, education, and economic opportunities available to women in both eras. It highlights key reform movements, individual leaders, constitutional developments, and government policies that have shaped women's rights. While the study focuses on historical and legislative dimensions, it also considers how societal attitudes have influenced the practical implementation of these rights. Geographically, the study covers India as a whole, while acknowledging regional variations. The time frame spans from the early 19th century reform movements to contemporary post-independent India.

This study is significant as it sheds light on the long-standing struggle for gender equality in India, helping to understand whether legal and political changes post-independence have truly empowered women or merely transformed the modes of exclusion. By critically comparing two distinct historical periods, the research highlights progress made and the challenges that persist. It also contributes to academic discussions in gender studies, history, law, and sociology. The findings can inform policymakers, educators, and activists working towards women's empowerment, offering insights into which measures have been effective and where gaps remain. Ultimately, the study encourages a deeper reflection on the meaning and reality of empowerment for Indian women across time.

METHODOLOGY

This research adopts a qualitative and historical-comparative methodology to analyse the evolution of women's rights in India before and after independence. The study will use a descriptive and analytical approach, combining historical analysis with contemporary perspectives on gender rights and empowerment.

1. Research Design:

A comparative historical research design will be used to examine and contrast the socio-legal status of women in the pre-independence and post-independence eras. The study will investigate legal texts, historical documents, and secondary literature to identify patterns of empowerment or exclusion.

2. Data Collection:

- Primary Sources:
 - Historical documents, speeches, legal acts (e.g., Hindu Widow Remarriage Act, Hindu Marriage Act, Constitution of India)
 - Writings and speeches of reformers and freedom fighters
 - Government reports, commissions (e.g., Toward Equality Report, 1974)
- Secondary Sources:
 - Academic books, journals, articles, and research papers on women's rights and gender studies
 - Biographies and autobiographies of prominent women leaders
 - Newspaper archives and reports from relevant periods

3. Data Analysis:

The data will be analysed using thematic analysis to identify recurring themes related to empowerment, legal change, social exclusion, and resistance. A comparative framework will be used to highlight similarities and differences between the two time periods.

4. Limitations:

The study is limited to India and focuses primarily on legal, social, and political rights. It may not fully capture the experiences of all regional or marginalized women due to the diversity and complexity of Indian society.

REVIEW OF LITERATURE

The discourse on women's rights in India has evolved significantly across historical phases, from colonial rule to the post-independence era. Various scholars have examined the role of socio-cultural norms, reform movements, state interventions, and feminist activism in shaping the condition of women.

Women in Pre-Independence India

Geraldine Forbes (1996), in *Women in Modern India*, provides a detailed historical account of the status of women during colonial times. She highlights how reformers and colonial administrators engaged in redefining women's roles within the framework of social reform and nationalism. Lata Mani (1998), in *Contentious Traditions*, analyses the colonial debate on sati, arguing that both British and Indian reformers often prioritized symbolic gestures over substantial change.

The role of male reformers like Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar is well-documented in Nanda's (1992) *Indian Women: From Purdah to Modernity*, which explores early reformist movements. However, these movements were largely confined to upper-caste urban women and rarely addressed intersectional identities.

Women and the Freedom Struggle

The emergence of politically active women during the independence movement marked a significant shift. Works by Anagol (2005) and Rai (2000) highlight figures like Sarojini Naidu and Annie Besant, who contributed not just to nationalism but to early feminist thought. These women began redefining the public/private divide and pushed the boundaries of traditional gender roles.

Post-Independence Legal Reforms

- Post-1947, India's Constitution granted equal rights to all citizens. Flavia Agnes (1999), in *Law and Gender Inequality*, critically examines post-independence legal reforms such as the Hindu Marriage Act (1955) and Dowry Prohibition Act (1961), highlighting their limited effectiveness due to poor implementation and social resistance.
- Kumar (1993), in *The History of Doing*, traces the development of the women's movement in post-independence India. She argues that while legal reforms were important, it was activism that truly pushed for structural changes in gender relations.
- **Symbolic Empowerment vs. Structural Change**
Nivedita Menon (2012), in *Seeing Like a Feminist*, questions the assumption that legal reform alone constitutes empowerment. She argues that real change requires dismantling deeply rooted patriarchal systems that go beyond the scope of legislation.
- **The Towards Equality report (Government of India, 1974)** is a foundational document that revealed the gap between constitutional promises and actual gender outcomes. It remains a critical resource in assessing women's status in various sectors including education, employment, and politics.

Intersectionality and Contemporary Challenges

Recent feminist scholarship (Rao, 2003; *Dalit Women Speak Out*, 2006) emphasizes that gender must be analysed alongside caste, class, and religion. These works argue that mainstream discourses often exclude marginalized women, making empowerment an uneven and layered experience.

- Uma Chakravarti (1993) argues that women were not only excluded from political life but were also denied basic rights such as education, property ownership, and personal liberty. Her work discusses how social reform movements attempted to challenge these norms.
- Lata Mani (1989) in her analysis of the Sati controversy critiques the colonial narrative that justified intervention under the guise of "civilizing" native customs, often ignoring the voices and agency of Indian women themselves.

These works collectively point to a period marked more by exclusion than empowerment, with occasional reformist efforts by social reformers like Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar.

The Role of Women in the Freedom Movement

Contrary to the perception of passivity, several scholars emphasize women's active participation in India's freedom struggle as a turning point in their societal role.

- **Bina Agarwal** (1994) notes that political movements, especially those led by Gandhi, provided women a platform to step into public life, albeit within gendered limitations.
- **Ritu Menon and Kamla Bhasin** (1998) highlight the dual impact of nationalist and feminist consciousness during the freedom movement, where women began articulating their political identities.

While the freedom movement offered partial empowerment, these studies suggest that women's roles were still largely defined by male leadership and nationalist priorities rather than feminist goals.

Post-Independence Legal and Constitutional Advances

The post-independence era marked a formal shift toward equality, reflected in legal and constitutional reforms.

- **Flavia Agnes** (1999) provides an in-depth analysis of family law reforms, emphasizing how the Indian Constitution guaranteed equality (Articles 14, 15, and 16) and special provisions for women (Article 15(3)).
- **Nivedita Menon** (2004) explores the complexities of law, pointing out that although laws exist, their implementation is hindered by socio-cultural resistance and institutional patriarchy.

Studies by **Indira Jaising and Vina Mazumdar** highlight the efforts of the women's movement in the 1970s and 1980s in pushing for legal reforms in areas such as dowry, domestic violence, and sexual harassment.

These scholars agree that while empowerment has increased legally and politically, social norms and economic barriers continue to limit true equality.

Contemporary Assessments of Women's Rights

Recent research has turned its focus to ongoing issues in gender justice and the gap between de jure rights and de facto conditions.

Amartya Sen (1990) introduced the concept of "missing women" in South Asia, highlighting gender-based neglect.

Devaki Jain (2005) emphasizes the role of economic empowerment and participation in decision-making as essential dimensions of women's rights.

Recent empirical studies (e.g., National Family Health Survey reports) indicate that while education and political representation for women have improved, issues like gender-based violence and wage disparity persist.

These contemporary studies provide a mixed picture — women today enjoy more empowerment than before, but exclusionary practices still exist in subtle and systemic forms.

Feminist Theories and Perspectives

Feminist theories provide a crucial lens for understanding the historical and contemporary status of women's rights in India. Liberal feminism focuses on legal and political equality, advocating for reforms such as voting rights, equal access to education, and workplace rights—goals that align with post-independence constitutional guarantees (Tong, 2009). This perspective supports the idea that state intervention through laws like the Hindu Marriage Act or the Equal Remuneration Act can empower women. Radical feminism, however, critiques the deeper structures of patriarchy and asserts that legal reforms alone are insufficient without transforming cultural norms and gendered power relations (Firestone, 1970). This perspective helps explain why, despite legal advances, women continue to face exclusion in both public and private spaces. Socialist feminism blends concern of gender with class, emphasizing how capitalism and patriarchy intersect to exploit women, especially in labour and domestic spheres (Jaggar, 1983). This is particularly relevant in India, where economic disparities continue to marginalize lower-class and rural women. Postcolonial feminism offers another essential perspective, arguing that mainstream Western feminist narratives often ignore the unique historical, cultural, and colonial experiences of women in formerly colonized nations like India (Mohanty, 1988). It critiques how colonial reforms were often shaped more by imperial agendas than genuine concern for women's agency. Finally, intersectional feminism, introduced by Crenshaw (1989), highlights how multiple identities—such as caste, class, religion, and ethnicity—combine to shape women's experiences of exclusion or empowerment. Applying these diverse feminist perspectives allows for a more nuanced and inclusive understanding of the complexities surrounding women's rights in both pre and post-independent India.

- Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, 1989(1), 139–167.
- Firestone, S. (1970). *The dialectic of sex: The case for feminist revolution*. William Morrow.
- Jaggar, A. M. (1983). *Feminist politics and human nature*. Rowman & Allanheld.
- Mohanty, C. T. (1988). Under Western eyes: Feminist scholarship and colonial discourses. *Feminist Review*, 30(1), 61–88.
- Tong, R. (2009). *Feminist thought: A more comprehensive introduction* (3rd ed.). Westview Press.

LEGAL AND SOCIAL CONSTRUCTS OF WOMEN'S RIGHTS

The legal and social constructs of women's rights in India have historically reflected both progress and persistent inequality. Legally, the Indian Constitution provides a strong framework for gender equality, guaranteeing fundamental rights such as equality before the law (Article 14), prohibition of discrimination (Article 15), and equal opportunity in public employment (Article 16) (Government of India, 1950). Post-independence legislative reforms such as the Hindu Marriage Act (1955), the Dowry Prohibition Act (1961), and the Protection of Women from Domestic Violence Act (2005) represent efforts to secure women's autonomy and safety (Agnes, 1999). However, the effectiveness of these laws is often undermined by social norms, cultural practices, and patriarchal institutions that continue to regulate women's roles within families and society (Nussbaum, 2000). Socially, women are often viewed through the lens of honour, duty, and purity—constructs deeply embedded in both religious traditions and colonial ideologies (Chakravarti, 2003). These constructs affect women's rights in areas such as marriage, inheritance, and mobility, especially for those from marginalized castes or rural backgrounds. Feminist scholars argue that while the law has created a formal space for women's rights, actual empowerment requires challenging the social structures that sustain gender inequality (Menon, 2012). Therefore, legal reforms must be accompanied by shifts in social attitudes, education, and grassroots activism to achieve substantive gender justice.

■ Agnes, F. (1999). *Law and gender inequality: The politics of women's rights in India*. Oxford University Press.

- Chakravarti, U. (2003). *Gendering caste: Through a feminist lens*.

- Government of India. (1950). *The Constitution of India*. Ministry of Law and Justice.

- Menon, N. (2012). *Seeing like a feminist*. Zubaan.

- Nussbaum, M. C. (2000). *Women and human development: The capabilities approach*. Cambridge University Press.

Traditional Roles and Status of Women in Pre-Independence India

In pre-independence India, women's roles and status were largely shaped by deeply rooted patriarchal norms, religious customs, and caste-based hierarchies. Traditionally, women were confined to domestic spheres, with their identities closely tied to their roles as daughters, wives, and mothers (Forbes, 1996). Practices such as child marriage, sati (widow immolation), purdah (seclusion), and the prohibition of widow remarriage were widespread, especially among upper-caste Hindu communities (Mani, 1998). These customs severely restricted women's autonomy and access to education and public life. Although women's rights were not formally recognized, early social reformers in the 19th century—such as Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar—advocated for changes in these traditions, leading to reforms like the abolition of sati and promotion of widow remarriage (Nanda, 2002). However, these reforms often benefitted only a small section of urban, upper-caste women and were largely framed within male-dominated discourse (Chaudhuri, 1993). While nationalist movements provided some space for women's political participation, their involvement was often symbolic, reinforcing traditional roles rather than challenging them (Sarkar, 2001). Thus, the traditional status of women in pre-independence India was characterized by social exclusion and limited rights, which laid the groundwork for later feminist critiques and the demand for legal reform in post-independent India.

- Chaudhuri, M. (1993). *Indian women's movement: Reform and revival*. Radiant Publishers.
- Forbes, G. (1996). *Women in modern India*. Cambridge University Press.
- Nanda, B. R. (2002). *Indian women: From Purdah to modernity*. Vikas Publishing House.
- Sarkar, T. (2001). *Hindu wife, Hindu nation: Community, religion and cultural nationalism*. Permanent Black.

Social Reforms and Women's Movements in Pre-Independence India

Social reform movements in pre-independence India played a foundational role in shaping early discourse around women's rights. Reformers such as Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar led significant campaigns against practices like sati, child marriage, and the ban on widow remarriage, advocating for women's dignity and education (Nanda, 2002). These efforts resulted in early legislative reforms, such as the Abolition of Sati Regulation (1829) and the Widow Remarriage Act (1856), which challenged orthodox customs (Forbes, 1996). However, these reforms were largely initiated by male reformers and were often grounded in a paternalistic view of women, focusing more on morality and national image than actual empowerment (Mani, 1998). Simultaneously, Indian women began organizing and asserting their voices. Organizations like the Women's Indian Association (1917), the All India Women's Conference (1927), and the National Council of Women in India (1925) emerged as platforms for women to advocate for education, suffrage, legal rights, and social reforms (Chaudhuri, 1993). These movements, though often led by elite women, were instrumental in politicizing gender issues and linking them to broader nationalist aspirations. While these efforts marked the beginnings of feminist consciousness in India, they were also limited by class, caste, and colonial influence. Nevertheless, the convergence of social reform and women's activism in this period laid the groundwork for future gender justice struggles in post-independence India (Sarkar, 2001).

- Chaudhuri, M. (1993). *Indian women's movement: Reform and revival*. Radiant Publishers.
- Forbes, G. (1996). *Women in modern India*. Cambridge University Press.
- Mani, L. (1998). *Contentious traditions: The debate on sati in colonial India*. University of California Press.
- Nanda, B. R. (2002). *Indian women: From purdah to modernity*. Vikas Publishing House.
- Sarkar, T. (2001). *Hindu wife, Hindu nation: Community, religion and cultural nationalism*. Permanent Black.

Impact of Colonial Rule on Women's Rights

The impact of colonial rule on women's rights in pre-independence India was complex and often contradictory. On one hand, British colonial administrators introduced legal and educational reforms that appeared to support women's advancement, such as the abolition of sati and the introduction of female education (Forbes, 1996). However, these reforms were often driven by colonial notions of "civilizing the natives" rather than a genuine concern for women's empowerment (Mani, 1998). Colonial discourse frequently portrayed Indian women as oppressed and in need of rescue, thereby justifying imperial domination under the guise of moral responsibility (Chatterjee, 1989). This led to the marginalization of indigenous voices, especially women's, in shaping reform policies. Furthermore, colonial legal structures often reinforced patriarchal authority, particularly through the codification of personal laws that preserved traditional gender hierarchies (Agnes, 1999). The colonial state also co-opted social reform movements by regulating them through Western legal frameworks, which limited their transformative potential. Meanwhile, Indian nationalists began to idealize womanhood as a symbol of cultural purity, assigning women a spiritual and domestic role in the emerging nationalist identity (Chatterjee, 1989). This symbolic positioning further restricted real discussions on women's autonomy. Thus, while colonial rule did introduce certain reforms that affected women's lives, it also entrenched new forms of gendered control, complicating the trajectory of women's rights in India.

- Agnes, F. (1999). *Law and gender inequality: The politics of women's rights in India*. Oxford University Press.
- Chatterjee, P. (1989). The nationalist resolution of the women's question. In K. Sangari & S. Vaid (Eds.), *Recasting women: Essays in colonial history* (pp. 233–253). Kali for Women.
- Forbes, G. (1996). *Women in modern India*. Cambridge University Press.
- Mani, L. (1998). *Contentious traditions: The debate on sati in colonial India*. University of California Press.

Constitutional Provisions and Legal Reforms of Women's Rights in Post-Independence India

Post-independence India marked a significant shift in the legal and constitutional recognition of women's rights. The Constitution of India, adopted in 1950, laid a strong foundation for gender equality by enshrining key provisions such as equality before the law (Article 14), prohibition of discrimination on the grounds of sex (Article 15), and equal opportunity in public employment (Article 16) (Government of India, 1950). It also included Article 39, which directs the state to ensure that men and women have the right to an adequate means of livelihood and equal pay for equal work. These constitutional guarantees were further strengthened by a series of legal reforms aimed at addressing social injustices and promoting women's rights. Important legislations include the Hindu Marriage Act (1955), Hindu Succession Act (1956), Dowry Prohibition Act (1961), and the Protection of Women from Domestic Violence Act (2005), (Agnes, 1999). These reforms addressed critical issues such as marriage, inheritance, dowry-related abuse, and domestic violence. The Equal Remuneration Act (1976) was enacted to ensure gender parity in wages, reflecting the constitutional promise of equality. However, despite these legal advances, implementation has remained uneven due to deep-rooted patriarchal attitudes and systemic challenges (Nussbaum, 2000). While the post-independence period laid the groundwork for formal equality, the struggle for substantive equality—where women experience equal rights in practice—continues to evolve.

- Agnes, F. (1999). *Law and gender inequality: The politics of women's rights in India*. Oxford University Press.
- Government of India. (1950). *The Constitution of India*. Ministry of Law and Justice.
- Nussbaum, M. C. (2000). *Women and human development: The capabilities approach*. Cambridge University Press.

Social and Economic Empowerment of Women in Post-Independence India

In the post-independence era, India has made notable strides toward the social and economic empowerment of women, though the progress has been uneven and deeply influenced by structural inequalities. Social empowerment has been facilitated by increased access to education, healthcare, and political participation. Government initiatives like the National Policy for the Empowerment of Women (2001) and reservation of seats for women in Panchayati Raj Institutions have enabled greater representation of women in public life (Planning Commission, 2001). Similarly, programs like Beti Bachao, Beti Padhao have aimed to challenge gender biases and improve educational outcomes for girls (Ministry of Women and Child Development, 2015). On the economic front, policies promoting self-help groups (SHGs), microfinance, and rural employment through schemes like MGNREGA have helped women gain financial autonomy, particularly in rural areas (Deshpande, 2002). However, women's participation in the formal labour force remains low due to gender-based discrimination, unpaid care work, and limited access to capital and markets (Kabeer, 2012). Caste, class, and regional disparities further restrict empowerment, particularly for marginalized women. While the state has played a crucial role in promoting gender-inclusive development, true empowerment also requires dismantling cultural and social norms that continue to constrain women's choices and freedoms. Thus, while legal and policy frameworks exist, the realization of social and economic empowerment for Indian women remains a work in progress.

- Deshpande, S. (2002). Assets, ownership and power: Women in the Indian context. *Indian Journal of Gender Studies*.
- Kabeer, N. (2012). Empowerment, citizenship and gender justice: A contribution to locally grounded theories of change in women's lives. *Pathways of Women's Empowerment*.
- Ministry of Women and Child Development. (2015). *Beti Bachao, Beti Padhao Scheme Guidelines*. Government of India.
- Planning Commission. (2001). *National Policy for the Empowerment of Women 2001*. Government of India.

Challenges and Setbacks in Social and Economic Empowerment of Women in Post-Independence India

Despite constitutional guarantees and policy interventions, women in India continue to face numerous challenges in realizing true social and economic empowerment. Deep-rooted patriarchal norms remain a significant barrier, often dictating women's roles within the household and limiting their mobility, autonomy, and access to resources (Nussbaum, 2000). Social stigma and cultural taboos still restrict women's participation in decision-making and

political processes, particularly in rural and conservative regions (Desai & Thakkar, 2007). Economically, although women are increasingly part of self-help groups and informal work sectors, they remain underrepresented in formal employment and leadership roles, often earning less than men for the same work (Kabeer, 2012). Furthermore, issues such as unpaid domestic labour, lack of childcare, and unequal inheritance rights hinder their financial independence. Legal protections also face enforcement issues—laws addressing domestic violence, sexual harassment, and dowry-related abuse are often poorly implemented, with victims encountering institutional apathy and stigma (Agnes, 1999). Intersectional factors like caste, class, religion, and geography exacerbate these inequalities, making it harder for marginalized women to benefit from empowerment programs (Rege, 2003). Additionally, backlash from conservative groups and systemic resistance to gender-sensitive reforms pose continued threats to progress. Thus, while India has made important advances in promoting gender equality, structural and societal setbacks continue to challenge the goal of inclusive and sustainable empowerment.

- Agnes, F. (1999). *Law and gender inequality: The politics of women's rights in India*. Oxford University Press.
- Desai, N., & Thakkar, U. (2007). *Women in Indian society*. National Book Trust.
- Kabeer, N. (2012). *Empowerment, citizenship and gender justice: A contribution to locally grounded theories of change in women's lives**. Pathways of Women's Empowerment.
- Nussbaum, M. C. (2000). *Women and human development: The capabilities approach*. Cambridge University Press.
- Rege, S. (2003). *Sociology of gender: The challenge of feminist sociological knowledge*. Sage Publications.

Progress and Achievements in a Comparative Perspective: Empowerment vs. Exclusion

The comparative trajectory of women's rights in India from the pre-independence to the post-independence era reveals a significant shift from exclusion toward empowerment, though the progress has been uneven. In the pre-independence period, women were largely excluded from public life, confined to domestic roles by religious customs and patriarchal structures, and denied legal autonomy (Forbes, 1996; Mani, 1998). However, early reform movements and nationalist participation laid the foundation for later mobilization. Post-independence India, under a democratic constitutional framework, ushered in substantial legal, political, and social changes aimed at empowering women. These include constitutional guarantees of equality (Articles 14–16), affirmative action policies, and progressive legislation like the Hindu Succession Act (1956) and Protection of Women from Domestic Violence Act (2005) (Agnes, 1999; Government of India, 1950). Women's increased access to education, healthcare, and employment, along with political representation through local self-governance (Panchayati Raj), reflect key milestones in empowerment (Desai & Thakkar, 2007). However, these achievements coexist with persistent exclusion—particularly for women from marginalized castes, classes, and rural areas—highlighting the limitations of formal equality. The gap between legal rights and lived realities underscores that while empowerment has advanced, exclusion remains entrenched due to socio-economic and cultural barriers (Kabeer, 2012). Thus, the comparative analysis illustrates that post-independence India has made noteworthy strides toward women's empowerment, but a holistic transformation necessitates ongoing structural reform and cultural change.

- Agnes, F. (1999). *Law and gender inequality: The politics of women's rights in India*. Oxford University Press.
- Desai, N., & Thakkar, U. (2007). *Women in Indian society*. National Book Trust.
- Forbes, G. (1996). *Women in modern India*. Cambridge University Press.
- Government of India. (1950). *The Constitution of India*. Ministry of Law and Justice.
- Kabeer, N. (2012). *Empowerment, citizenship and gender justice: A contribution to locally grounded theories of change in women's lives*. Pathways of Women's Empowerment.
- Mani, L. (1998). *Contentious traditions: The debate on sati in colonial India*. University of California Press.

Ongoing Struggles and Areas of Concern

While India has made measurable progress in empowering women through legal reforms, education, and political participation, numerous ongoing struggles highlight the persistence of gender-based exclusion. Structural inequality, rooted in patriarchy, caste, and class divisions, continues to limit the reach of empowerment initiatives, particularly for women in rural areas, tribal communities, and marginalized castes (Rege, 2003). Despite constitutional protections, women remain vulnerable to domestic violence, sexual harassment, trafficking, and honour-based crimes, indicating gaps in the enforcement of existing laws (Agnes, 1999; Nussbaum, 2000). Economic exclusion remains a critical concern, as female labour force participation in India has declined over the past decade, with many women engaged in informal and unprotected work without social security benefits (Deshpande, 2002). Additionally, access to quality healthcare, digital literacy, and land ownership is disproportionately limited for women, hindering both their autonomy and economic independence (Kabeer, 2012). Political representation, although improving at the local level, is still minimal in national decision-making bodies. Cultural narratives that glorify traditional roles often conflict with modern ideals of equality, creating identity dilemmas and societal resistance to change (Chatterjee, 1989). Thus, the struggle for genuine and inclusive empowerment is far from over. It demands intersectional approaches, stronger implementation mechanisms, and sustained societal engagement to bridge the persistent gap between rights on paper and realities on the ground.

- Agnes, F. (1999). *Law and gender inequality: The politics of women's rights in India*. Oxford University Press.
- Chatterjee, P. (1989). *The nationalist resolution of the women's question*. In K. Sangari & S. Vaid (Eds.), *Recasting women: Essays in colonial history* (pp. 233–253). Kali for Women.
- Deshpande, S. (2002). *Assets, ownership and power: Women in the Indian context*. Indian Journal of Gender Studies.
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- Rege, S. (2003). *Sociology of gender: The challenge of feminist sociological knowledge*. Sage Publications.

SUMMARY OF FINDINGS

The comparative analysis of women's rights in pre- and post-independence India reveals a complex trajectory marked by both progress and persistent challenges. In the pre-independence era, women were largely excluded from public and legal spheres, with their roles confined to domestic and religious constructs under deeply patriarchal and caste-based norms. Early reform movements, though significant, were often paternalistic and limited in scope. Post-independence India introduced a constitutional and legal framework committed to gender equality, including landmark reforms in marriage, inheritance, and protection from violence. Political representation at grassroots levels and socio-economic initiatives like self-help groups and employment schemes have furthered the agenda of women's empowerment.

Despite these advancements, substantial gaps remain. Women from marginalized communities continue to face systemic barriers to justice, education, employment, and healthcare. Cultural norms, weak legal enforcement, and underrepresentation in leadership roles hinder full realization of rights. The declining female labour participation rate and rise in gender-based violence highlight ongoing areas of concern. Thus, while formal legal empowerment has been achieved to a large extent, actual empowerment in lived experiences remains uneven. The study concludes that although the post-independence period has seen a significant move toward gender justice, the coexistence of empowerment and exclusion reflects the need for deeper structural and cultural reforms to ensure inclusive and sustainable progress for all women in India.

POLICY IMPLICATIONS

The findings of this comparative study underscore the need for multi-layered and intersectional policy interventions to bridge the persistent gap between legal empowerment and social realities for women in India. First, there is a pressing need to strengthen the implementation and enforcement of existing laws related to domestic violence, sexual harassment, dowry, and property rights. Enhanced accountability mechanisms, gender-sensitive law enforcement, and fast-track judicial systems can support this goal. Second, education and economic empowerment policies must be tailored to reach the most marginalized women—especially those from Scheduled Castes, Scheduled Tribes, and rural backgrounds—by promoting inclusive access to quality education, skill development, and financial resources. Third, integrating gender perspectives into broader economic and digital policies is vital to reverse the decline in female labor force participation and improve access to the formal economy. Furthermore, policies must move beyond token representation by promoting women's leadership at all levels of governance and decision-making. A culturally sensitive approach that addresses patriarchal attitudes through curriculum reforms, community outreach, and media engagement is also essential to challenge deep-rooted gender stereotypes. Lastly, continuous policy evaluation and gender-disaggregated data collection are crucial to monitor progress, assess impact, and recalibrate strategies accordingly. In sum, while the legal framework exists, a transformative policy shift grounded in equity, inclusion, and implementation is necessary to translate women's rights into lived realities across India.

FUTURE DIRECTION

Future research and action in the field of women's rights in India must adopt a more intersectional, interdisciplinary, and participatory approach. While historical and legal analyses provide valuable insights, upcoming studies should also incorporate lived experiences and narratives from women across diverse regions, castes, classes, and religious backgrounds to reflect the nuanced realities of empowerment and exclusion. There is significant scope for longitudinal studies to evaluate the long-term impact of gender-focused policies and grassroots movements, particularly in rural and tribal areas. Further exploration is also needed into the emerging dynamics of digital gender divides, reproductive rights, LGBTQ+ inclusion, and the impact of climate change on women's livelihoods. Moreover, future research should critically engage with the role of media, technology, and education in reshaping gender norms. Collaborations between scholars, activists, and policymakers can help generate more context-specific strategies to bridge the gap between rights and realities. It is also essential to involve men and boys in gender discourse, promoting shared responsibility in dismantling patriarchal structures. Finally, building stronger international comparative frameworks can position India's progress within global discourses on gender justice, allowing mutual learning and policy innovation. These directions will not only enrich academic inquiry but also support a more inclusive, equitable, and sustainable path toward genuine empowerment for all women in India.

Comparative Analysis of Women's Rights – Pre vs. Post-Independence India

<u>DIMENSION</u>	<u>PRE-INDEPENDENCE INDIA</u>	<u>POST INDEPENDENCE INDIA</u>	<u>Empowerment or Exclusion Indicator</u>
i. <u>LEGAL RIGHTS</u>	Limited; British reforms (Sati abolition, Widow Remarriage Act); No constitutional protection	Indian Constitution guarantees equality (Articles 14–16); Hindu Code Bills; Dowry Prohibition Act	Legal empowerment post-1947
ii. <u>POLITICAL PARTICIPATION</u>	Minimal; women in nationalist movements (e.g., Sarojini Naidu, Annie Besant), no voting rights	Universal suffrage; women MPs, reservation bills, rise of women leaders (e.g., Indira Gandhi)	Significant empowerment post-1947
iii. <u>EDUCATION</u>	Negligible literacy rate (~1–2%); limited to elite reformist families	Substantial progress; female literacy rose from ~8% (1951) to ~70%+ (2021); various schemes for girls	Empowerment with gaps remaining

iv.	<u>EMPLOYMENT AND ECONOMY</u>	<u>Mostly agrarian and informal labour; no labour rights or formal access</u>	<u>Labor laws, SHGs, MGNREGA, yet gender wage gap and low LFPR (less than 25% in 2020s)</u>	<u>Limited empowerment; economic exclusion continues</u>
v.	<u>MARRIAGE AND FAMILY LAWS</u>	<u>Child marriage, polygamy, purdah prevalent; no divorce/inheritance rights</u>	<u>Hindu Marriage Act, right to divorce, child marriage laws, inheritance rights (2005 amendment)</u>	<u>Legal empowerment, but weak rural enforcement</u>
vi.	<u>VIOLENCE AGAINST WOMEN</u>	<u>Patriarchal norms; limited legal recourse; Sati, honour killings</u>	<u>Domestic Violence Act (2005), Nirbhaya Act (2013), but underreporting & slow justice remain</u>	<u>Structural empowerment, practical exclusion persists</u>
vii.	<u>MEDIA AND CULTURAL PRESENCE</u>	<u>Women idealized as symbols of purity or sacrifice; limited roles in public narrative</u>	<u>More representation in literature, media, cinema; social media activism (e.g., #MeTooIndia)</u>	<u>Increasing empowerment through cultural presence</u>
viii.	<u>HEALTH AND REPRODUCTIVE RIGHTS</u>	<u>High maternal mortality, lack of healthcare access, no contraception rights</u>	<u>Improved maternal healthcare, family planning programs, yet rural health gaps remain</u>	<u>Empowerment in urban areas; rural exclusion persists</u>
ix.	<u>LEGAL REPRESENTATION</u>	<u>No female judges, lawyers rare</u>	<u>Female judges, lawyers, activists rising; first female SC judge in 1989</u>	<u>Empowerment with ongoing need for parity</u>

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