

## **A Study on Constitutional and Legal Measures for Women's Empowerment in India**

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**Abstract:**For women's empowerment to occur, they must become more knowledgeable individuals who are politically engaged and financially productive and who can make wise decisions in topics that impact them. Women need to be empowered, and men need to be educated about their responsibilities to women. Women's rights in personal labour are protected both domestically and internationally. Criminal justice, as well as service and social economics, are important considerations. Equal rights for women have been enshrined in India's constitution. Despite all of these advancements, women's rights continue to be violated across the board. Throughout history, women have been exploited by a male-dominated society. Even though the legislative platform has been abandoned. The male-dominated society takes advantage of women because of the lack of effective policing.

**Keywords:**Women Empowerment, Legal Provision, IPC, Indian Constitution, Women rights.

### **Introduction:**

Women in ancient India were treated as equals to men throughout the ages. Females were likely able to choose their husbands according to Rigvedic texts. During in the early Vedic period, women were accorded equal status and rights. Nevertheless, the status of women began to deteriorate around 500 B.C., and the Islamic invasion of Babur and the Mughal empire, as well as Christianity subsequently, degraded women's freedoms and rights. Jainism and other reform movements enabled women to join monastic organisations, but by and large, women in India were confined to their homes and subjected to oppression. The custom of marrying children as young as six is thought to have begun as early as the sixth century. The Bhakti movements aimed to improve women's position and raise awareness about many sorts of gender inequality [1].

Some societies have outlawed practices like Sati, Jauhar, and Devadasi and are no longer practised.

On the other hand, remote areas of India continue to practice some of these customs. Some Indian women still adhere to the purdah in their daily lives. Ram Mohan Roy, Ishwar Chandra Vidyasagar, and Jyotirao Phule were some of the numerous reformers who worked to develop women in India during the British Raj. Indian National Congress backed the first women's delegation that met with Secretary of State in 1917 to demand women's political rights [2]. After its first meeting in Pune, the All-India Women's Education Conference rose to prominence in the social reform movement. The Child Marriage Restraint Act of 1929 established a fourteen-year-old girl as the minimum marriageable age. In spite of his own early marriage, Mahatma Gandhi advocated against child marriage and encouraged young men to marry young widows [3]. Even though child marriage is outlawed in India, it is common in rural areas.

As a result, women in India are now fully involved in various fields, including education and sports and politics and the media. The world's longest-serving female prime minister is Indira Gandhi, who served as India's prime minister for an aggregate of fifteen years. In addition to guaranteeing women's equality under the law, India's constitution also gives the government the authority to implement policies that promote gender parity by counteracting the socioeconomic, educational, and political disadvantages that women have historically faced [4]. Among other things, fundamental rights ensure that everyone is treated equally under the law, ban discrimination based on religion, race, caste, gender or place of birth, and ensure that everyone has equal access to the job market. Particularly relevant are the Constitution's articles 14, 15, 15(3), 16, 39a), 39b), 39c), and 42.

Even though women make significant contributions in virtually every field and hold a unique place in society and countries around the world, they continue to suffer in silence and belong to a group that faces several disadvantages due to many obstacles [5]. The legal, social, political, and economic empowerment of women must be strengthened. On the other hand, equality and empowerment depend on society as a whole being sensitive to the challenges that women face. There has been an increase in the number of United Nations conventions dealing with women's rights worldwide because of this [6].

In India, the constitution's framers were aware of the difficulties encountered by women and included particular provisions for them in the document. Several articles call for gender parity and allow for the benign treatment of children and women to make up for the disadvantages that have been their lot in life since they were children [7].

**Provisions of the Constitution:**

Equal rights & opportunities for men and women are guaranteed in the Indian constitution. What you won't hear is:

- Preamble: The Preamble expresses the spirit and aspirations of the people expressed in the document as a whole. The preamble states that all citizens should be treated equally in terms of position and opportunity. As stated in the preamble, we, the people of India, grant ourselves the constitution. People of India regardless of their caste, community, religion or sex can thus be traced as the basis of the constitution.
- Second, the 73rd and 74th Amendments have strengthened women's rights, providing seats in Gram Panchayats and municipal authorities. Women's lack of political understanding, physical aggression, and economic dependency are only a few of the factors that keep them from participating in their country's political process.
- Legislation granting equal rights to men and women in the workplace is currently in place. These laws have been influenced by the state's policy of providing fundamental rights and enforcing them. Wages, benefits, equal remuneration, and property/success have all been protected by laws designed to ensure that these areas are adequately protected.

**Justice for all:**

The codification of some of our country's laws has been the most crucial step in ensuring social fairness for women. Gender neutrality in the law has harmed women accused of crimes like rape and dowry because it has placed significant responsibility on prosecutors in these situations. Despite these rules, the lack of attention to gender issues and a lack of legal literacy have prevented the realisation of the constitutionalists' vision.

**Fundamental rights:**

In Articles 12-35 of the constitution, the heart of the constitution lies. The framers of the constitution were fully aware of the long history of unfair treatment and discrimination against the female genus, so they incorporated both general and specific clauses aimed at improving the status of women [8]. Equality before the law in Article 14 In India, no one shall be denied equality before the law or equal protection of the law by the state. Religion, colour, class, gender, and place of birth are all protected under Article 15 of the Constitution of the United States of America.

Gender discrimination is outlawed in Article 15(1). Still, Article 15(3) relaxes that prohibition, allowing the state to create provisions for women to improve their social status and ensure political, economic, and social equality. Article 15(3) has been used by the state in criminal law, service law, labour law, and other areas, and the courts have supported the constitutionality of this protective legislation.

Equality of opportunity in public employment is the subject of Article 16. Article 16 states that every person has the same chance to work or run for public office, regardless of race or ethnicity. No citizen may be denied employment or an office by the state because of their race, religion, caste, gender, sexual orientation, ancestry, or place of birth or residency alone.

Article 21-Protection of life and liberty. A person's life or freedom cannot be taken away from them until a legal process has been followed, as stated in Article 21. the right to a livelihood under article 21 is violated when the right to succession is denied to women from scheduled tribes. State of Bihar v. Madhukiswar (1196) SCC 125 The Supreme Court of Rajasthan, in the absence of legislation in the subject of sexual harassment of women in the workplace, issued recommendations for their protection in Vishaka, Rajasthan [9].

Human trafficking and forced labour are prohibited in Article 23. Trade-in human beings, beggars, and other forms of forced labour are outlawed and any violation of this clause will be penalised by law. 2. This provision does not exclude the state from enforcing mandatory public service, and the state may not discriminate based only on religion, ethnicity, caste, or gender when doing so. The state's policy directive principle- Even though the directive principles of

state policy cannot be enforced in a court of law, they are crucial to the country's governance and ensure the well-being of its citizens, including women. Directive concept has the following sections about women:

Article 39 outlines a set of guidelines for the states to follow. Under Article 39 (a), the state ensures that all of its citizens—men and women—have access to economic security. Specifically, Article 39(d) mandates that the state ensure that men and women receive equal compensation for equal work. Under Article 39(d), the state is prohibited from mistreating either workers' men's or women's health or physical strength.

Provision for decent working conditions and maternity leave following Article 42 protects women's rights by Article 42 of the United States Constitution. It instructs the government to put measures to ensure fair and humane working conditions and maternity leave. By inserting health provisions into the Factory Act, maternity benefits, Beedi and cigar employees (Conditional employment) Act, etc., the state has implemented this directive principle.

civil procedure code of every state For the citizens of India, Article 44 mandates that the state provide them with a standard civil code that may be applied in all parts of India. Its main objective is to bring about racial and gender equality. Article 51 A(e) of the Fundamental Duties relates to women. Every citizen of India has a responsibility to promote unity and the spirit of shared brotherhood, regardless of religious, linguistic, regional, or ethnic differences, and to denounce actions degrading women's dignity, according to the Indian Constitution. This section deals with seat reservations (73 Amendment). The 73rd and 74th amendments to the Indian constitution mandated that at least one-third of seats in the Panchayats and Municipalities be reserved for women, respectively. Women's Legislative Empowerment Initiatives in India Numerous laws in India are designed to empower women in personal, labour, criminal, and social, economic spheres. For women, the Indian Constitution ensures equal treatment under the law. There are many essential laws relevant to women's empowerment that should be mentioned here, as well.

**Special Laws:**

Gender-specific provisions of law have been continuously examined and amended to keep pace with evolving needs, even though all laws are not gender-specific. The following laws include specific safeguards for women's rights and interests:

According to the 1961 Dowry Prohibition Act, a "dowry" is defined as an item required or supplied as a condition of marriage. It is therefore prohibited from being requested, paid or accepted. Section 3 says that gifts given freely are not dowry and are therefore allowed (2). A fine of up to Rs. 15000 or the amount of dowry (whichever is greater) or imprisonment for up to five years can be imposed for requesting or providing dowry. Many Indian states had established their antidowry laws before this one.

Laws governing the status of sex workers date back to the Immoral Traffic (Suppression) Act (SITA) of 1956. They are not covered by the same labour regulations as other professions; nonetheless they have the right to be rescued and rehabilitated. They are entitled to all of the same rights as any other citizen. Prostitutes can operate secretly under this regulation, but they are prohibited from soliciting clients in public. Prostitution rings, brothels, and other forms of organised prostitution are all unlawful. The use of a woman's body in exchange for financial gain is permitted as long as it is done on an individual and voluntary basis. A sex worker cannot practise her trade within 200 yards of a public area, according to the law.

India's parliament passed the Protection of Women from Domestic Abuse Act 2005 to protect women from violence. According to the law, domestic violence is the intentional infliction of physical, sexual, verbal, emotional, or economic harm on a person or property. • Women residing in the household, such as sisters, widows or mothers, are protected by the law, which was originally designed to protect the wife or female live-in partner from domestic abuse perpetrated by her husband or male live-in partner or his family. Harassment of a lady or her family members using illegal dowry demands would also fall under this criteria.

An Indian law protecting women from sexual harassment at work is the Sexual Assault of Women at The workplace (Prevention, Prohibition, and Redressal) Act, 2013. Thanks to the Act, women will be protected from sexual harassment in all workplaces, public or private. Gender

equality, life and liberty, and equal treatment in the workplace will be realised as a result. Women's economic empowerment and inclusive prosperity will be enhanced if they have a sense of security at work. Companies and municipalities must form grievance committees to review all complaints under the new law, which applies to students and hospital patients. A punishment of up to 50,000 rupees will be imposed on employers who do not abide by the new rules.

A piece of legislation enacted in 1954 called the Family Courts Act The word "Family Court" refers to the court established to deal with issues about family law, such as divorce, child custody, and support for both the wife and children. When the Position of Women Committee and the 59th Law Commission issued their reports in 1975, they proposed that the Central Government set up an independent court to resolve family issues before starting a trial. Thus, the Act of 1984 was passed to establish a family court in India. There will be no difference between a District and a Family Court in their jurisdiction. They will be able to file lawsuits and commence proceedings following the provisions of the Act. The Family Court is required to postpone proceedings whenever there is a chance of a settlement between the parties and begin the process as soon as possible. Legal professionals are not entitled to represent a party to a dispute under the Act, but the Court can appoint one. However, a party that feels wronged by a Family Court decision may elect to take their case to the Supreme Court for review. Afterwards, the High Court will issue rules governing these matters, published in the newspaper. Rule-making authority is also given to the federal and state governments under the Act.

The Amendments to the Marriage Laws Act, 2010. 2012 saw the introduction of a bill to make it easier for couples to divorce based on irretrievable breakdown of marriage in the Hindu Marriage Act and the Special Marriage Act. In Section 13-B, the phrases "not earlier than six months" are replaced with "upon receipt of a petition" under the proposed legislation. By inserting section13D, which allows the wife to reject a decree because the divorce will cause her severe financial hardship and that it would be improper to dissolve the marriage in all circumstances, the new law provides greater protection for women. According to the new section13E, a court may not issue a divorce order under Section13C unless the court is satisfied the parties to the marriage have made enough provision for the support of children born out of the marriage following their financial capabilities.

**Conclusion:**

Despite these advancements in the law, rampant abuses of women's rights continue. Women's human rights continue to be threatened by globalisation and extremism, and the refusal of other parts of humankind. Such transgressions are made possible by structural inequities and power imbalances. In recent years, women have been increasingly vulnerable to exploitation and abuse because of their desire for easy money, at times avarice, and life of comforts, maybe luxury. However, the law can ensure that those who are less fortunate are not mistreated. There is no doubt that the courts can go above and beyond the call of duty to protect women from the harm caused by biological and social circumstances. Numerous pieces of law protecting the rights and privileges of women have been passed, but they have not been implemented as a result of public ignorance and private property interests. Women's empowerment is a significant focus of India's several laws. Judiciary in India has taken an active part in protecting women from exploitation when legislation is ignorant due to a lack of adequate enforcement infrastructure.

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