

Constitutional Provisions for Women Empowerment in India

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Abstract: The Indian Constitution's preamble, basic rights, fundamental responsibilities, and commanding principles all explicitly state the importance of gender equality. In addition to guaranteeing women's equality, the Constitution gives the government the authority to discriminate favourably against women. However, there is a significant disconnect between philosophy and reality in India when it comes to women's human rights. Man is always superior to society in the male-dominated nation of India. In India, women often experience prejudice, unfairness, and degrading treatment. As a result, the primary goals of this research are to examine the laws relating to women's empowerment under the Indian Penal Code and to evaluate the unique legislation created for women's empowerment in India. As a result, the researcher followed many books and periodicals to compile the necessary knowledge. In this sense, Internet sources have also received a lot of weight.

Keywords: Gender Equality, Constitution, Discriminatory, Ideology, Human Rights, Women.

Background of the Study: A woman becomes a woman legally when she crosses the adolescent threshold, which is when she is considered to have completed her childhood and adolescence. To ensure that women in India have equal rights and protection from crime and violence, the Indian government has passed a number of legislation. The Indian Constitution gives its inhabitants fundamental rights and fundamental duties. Every citizen of our nation is entitled to the same freedoms and obligations. Article 14 of the Indian Constitution ensures equality for all Indian women, whereas Article 15 (1) prohibits governmental discrimination, Article 16 promotes equality of opportunity, and Article 39 (d) establishes equal compensation for equal labour. Additionally, enable the state to make special orders pertaining to women and children under Article 15 (3), Article 51 (A) (e) of the Women's Dignity, and Article 42 of the Maternity Issues Protection Act. If we look back at the history of our nation, we can clearly see the misery of women. Studies indicate that women had equal position and power throughout the pre-Vedic and ancient times. The restriction on child marriage and widow remarriage, however, became socially acceptable in certain groups in India throughout the Middle Ages, which worsened the standing of Indian women in society. Many reformers campaigned for the advancement of women under British authority. In India's war for independence, women had a voice. In India, the status of women has improved since the British rule; they are now completely represented in politics, journalism, the arts and humanities, the service industry, science, and technology.

Introduction:

The globe is fervently developing in the twenty-first century and embracing the role that women play in advancing global society and the global economy. The most crucial factor in socioeconomic progress is the involvement of women in decision-making, which must be strengthened. India is a developing nation, and since it is a nation where men predominate, its economic situation is also quite poor. About 50% of the population of the country are women, and the majority of them are still economically reliant and unemployed. For the family, community, and nation to have a bright future, women must be empowered. In order to empower women, they must be supported in becoming self-sufficient, monetarily independent, confident in their abilities to handle any challenging circumstances, and actively involved in a variety of social and political development initiatives. Only when women have an education will women's empowerment become more important. Women's empowerment, prosperity, progress, and welfare all heavily depend on education. In every community and nation, education has been acknowledged as a crucial force for social transformation and progress. Giving women the information, skills, and self-confidence they need to fully participate in the development process is only possible via education. Everyone should get an education, but women and girls especially need it to survive and be empowered. The eradication of several societal ills, such as the dowry issue and unemployment issues, is aided by the education of women. Additionally, social harmony is simple to develop. Future generations will lack education if women don't get an education. Napoleon, a Greek warrior, famously

remarked, "Give me a few educated moms, and I will give you a heroic race," because of this. In order to eradicate unfair practises and gender discrimination against women, the Indian government has recently adopted a number of constitutional and legal protections. In order to protect women from all forms of crimes against them, there is a list of safety legislation for women in India. Human rights include women's rights. Health, education, political engagement, economic security, and the absence of violence are just a few of the numerous topics they address. The complete and equal enjoyment of all kinds of discrimination by women is a vital need for the realization of human rights, international peace and security, and sustainable development. Various NGOs play a significant role in the empowerment of women. The government offers several programmes and plans for women's empowerment. India's overall growth is greatly influenced by the empowerment of women. So, in the twenty-first century, women's empowerment is a crucial instrument for the nation in order to properly flourish.

Statement of the Problem: The Indian Constitution not only guarantees women's equality but also gives the State the authority to take positive discriminatory measures in their favour in order to counteract the accumulated socioeconomic, educational, and political disadvantages that women suffer. Among other things, fundamental rights guarantee everyone's equality before the law and equal protection under the law, forbid discrimination against any citizen based on their race, religion, caste, sex, or place of birth, and ensure that everyone has an equal chance to succeed in matters relating to employment. The Constitution's Articles 14, 15, 15(3), 16, 39(a), 39(b), and 39(c) are particularly significant in this respect. Therefore, as he has expressed his issue, "Constitutional Provisions for Women Empowerment in India," the researcher has made an effort to look into the many provisions listed in the Indian Constitution connected to the empowerment of women in India.

Need And Significance Of The Study: Empowering women has the potential to transform many aspects of society and the nation. First and foremost, it is crucial that men, the government, lower classes, and women all work together to empower women if we want to see our nation thrive. Due to gender inequality and male dominance in Indian culture, women's emancipation became necessary. Empowering women is crucial for the family, community, and nation to have a bright future.

Objectives: The current study has been conducted with the following objectives-

1. To study the Laws related to women Empowerment as per Indian Pinal Code
2. To discuss the special laws made for the empowerment of women in India.

Method: The present study is descriptive in nature. It is based on the secondary sources of information. Therefore the researcher has gathered required information by following different books, journals. Internet sources have also been given much importance in this regard.

Laws related to women as per Indian Penal Code *Torture, both mental and physical (Sec. 498-A IPC):* A woman's husband or a relative of her spouse who subjects her to cruelty is punishable by imprisonment of any kind for a time that may last three years and is also subject to a fine.

1. ***Molestation (Sec. 354 IPC):*** Anyone who attacks a woman or uses unlawful force against her with the intent to offend her modesty or with knowledge that he would likely do so is subject to both fines and imprisonment of either kind for a period that may reach five years.
2. ***Sexual Harassment (Sec. 509 IPC):*** Anyone who violates a woman's privacy or insults her modesty by saying anything, making a gesture, or displaying something with the intent that the gesture or item would be seen by the lady is punishable by imprisonment of either kind for a period that may be as long as three years as well as a fine.

Special Laws for Women Empowerment in India:

The Dowry Prohibition Act of 1961 forbids the demand, payment, or acceptance of a dowry "in consideration of the marriage," where "dowry" is defined as a gift that is required as a condition of getting married. According to section 3, gifts provided without conditions are not regarded as dowry and are thus permissible (2). A fine of up to Rs. 15000 or the value of the dowry (whichever is larger) or up to five years in jail are the possible penalties for receiving or soliciting dowry. It took the place of many ant dowry laws that different Indian states had previously passed.

The Protection of Women from Domestic Violence Act

An Act of the Indian Parliament was passed in 2005 to safeguard women against domestic abuse. The legislation extends its protection to other women residing in a family, such as sisters, widows, or mothers. Its primary purpose is to protect the wife or female live-in partner from domestic violence

committed by the husband or male live-in partner or his relatives. According to the legislation, domestic violence encompasses real abuse or the threat of abuse, whether it be verbal, emotional, financial, sexual, or physical. This description would also include harassing a lady or her family members by making illegitimate dowry demands.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a piece of legislation in India that aims to safeguard women against sexual harassment at the workplace. The Act would make sure that all workplaces, whether they are public or private, will safeguard women from sexual harassment. The realisation of their rights to gender equality, life, liberty, and fair working conditions will be aided by this. Women will be more likely to participate in the workforce if they feel safe doing so, which will lead to their economic empowerment and inclusive development. Employers and local governments would be required to establish grievance committees to look into all complaints under the Act, which also includes patients in hospitals and students in schools and colleges. Employers that violate the law might be fined up to 50,000 rupees.

The Special Marriage Act, 1954

Regardless of the religion or belief practised by either spouse, a special form of marriage is provided for Indian citizens and all other Indian nationals living abroad by an act of the Indian Parliament. The law that gave rise to the Act was first suggested in the late 19th century. Act III from 1872 was superseded by the Special Marriage Act of 1954.

The Equal Remuneration Act, 1976

An Act to Prevent Discrimination on the Basis of Gender Against Women in Employment and Matters Connected Thereto or Incidental Thereto; To Provide For The Payment Of Equal Remuneration To Men And Women Workers

Reservation for Women in Local Self – Government :

The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

In order to safeguard and advance girl children, the Indian government has created the National Plan of Action for the Girl Child for the years 1991 to 2000. This programme aims to rehabilitate and safeguard girls from exploitation, abuse, and assault. It also aims to combat gender discrimination and prevent female foeticide and infanticide.

Economic, Social and Cultural Rights of Women:

Only in India is a movement to recognise women's economic, social, and cultural rights (ESCR) as genuine human rights. As a result, only women's issues are diverted from the issues of violence and reproductive rights. The movement's goal is to locate women's rights within the greater framework of human rights. Women, poverty, housing, unemployment, education, water, food security, trade, etc. are all issues that ESCR strives to address. While the ESCR world is widespread internationally, the human rights movement. Projects on women's economic, social, and cultural rights in India seek to achieve equality in all spheres of women's existence. Since women are equal to men in every sector, whether they are organized or not, the economic options for women in India are changing quickly. The unorganized industry needs more women exhibitors.

Education and Women empowerment:

Working in social studies involves two primary core tasks. The preservation and transmission of a society's values are the focus of one, while the production or evolution of new values at this particular moment is the focus of the other. Both of these roles have unique abilities that empower women. These two parties seem to be at odds with one another, but in truth, they ought to be on equal footing and work to balance each other out in order to further human evolution. Women may contribute most effectively to women's empowerment because education is the most effective instrument for useful caring and important change. A robust system of fund-based education that adheres to the values of equality, ethics, and empowerment is urgently needed. In terms of both "quantitative" and "qualitative," women are still underrepresented in schooling. Women in education need more significant jobs, not more vacancies. whether we are really dedicated to fostering a supportive workplace for women.

Women may be saved and empowered via education, which is a potent instrument. It is crucial that education not only compels women to learn more about themselves and the outside world, but also helps them develop the necessary coping mechanisms, positive self-esteem, and self-confidence to meet life's problems. To do this, it helps to find inner strength. Naturally, it also allows them to find work, support their families financially, and improve their social standing. Women's education, in particular, has a significant influence on health and nutrition as a strategy for creating sustainable population control methods.

Additionally, educated women have the potential to influence males in a big way. Because of this, education strengthens women, and this is undisputed.

Conclusion: Our laws, development strategies, plans, and programmes have all been created within the context of a democratic polity with the goal of advancing women in a variety of fields. In recent years, it has become clear that the key factor in defining women's position is their empowerment. Women now have seats reserved for them in Panchayats and Municipalities thanks to the 73rd and 74th Amendments (1993) to the Indian Constitution, creating a solid framework for their involvement in local decision-making. In order to guarantee equal rights for women, India has ratified a number of international agreements and human rights instruments. The objectives set out in the Constitution, laws, policies, plans, programmes, and associated procedures, on the one hand, and the situational reality of women's position in India, on the other hand, nevertheless remain far apart.

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