

Important Constitutional and Legal Provisions for Women's Empowerment in India: A Study

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Abstract

The notion of empowerment as well as the position of Indian women are discussed in the article. Important constitutional, statutory, and other aspects are systematically discussed as well. The article discusses the condition of women across many historical eras, including prior times and the present, when a particular gender attained equality. But throughout the post-Vedic and epic times, they had to deal with various challenges. They were often regarded as goddesses and sometimes just as slaves. Since the national movement of the early 20th century, their standing has slowly and progressively transformed. The Indian constitution's authors and national leaders campaigned tenaciously for equal rights for women and men after India gained independence. In all walks of the fields, women thus held the respectable positions. However, certain forms of societal prejudice and harassment still exist today. Many women, in total, have not been able to realise their potential.

Introduction

Despite the fact that women make up approximately half of the global population, there are significantly less women in India than men. They are not treated equally to males in all spheres of life as far as their social position is concerned. While in Western nations, women have a position that is equal to that of males. However, discrimination and gender-based impairments still exist in India. India's condition is erratic since she was sometimes regarded as a goddess and other times just as a slave. Nearly 50% of the world's population is made up of women. Why then does this sizable segment of society need empowerment? They do not constitute a minority that calls for particular consideration. It is a known truth that the female race is superior than the male race biologically. Despite the aforementioned, women's empowerment is a hot subject in India and beyond. Then, the issue of why we are discussing the subject of "Women/Gender-Specific Empowerment" emerges.

What is Empowerment?

Empowerment in simple words can be understood as giving power to any gender -specific to decide for their own lives or inculcating such abilities in them so that they could be able to find their rightful place in the society.

According to the United Nations, women's empowerment mainly has five components:

- Generating women's sense of self -worth; Women's right to have and to determine their choices;

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- Women's right to have access to equal opportunities and all kinds of resources;
- Women's right to have the power to regulate and control their own lives, within and outside the home; and
- Women's ability to contribute in creating a more just social and economic order.

Thus, women empowerment is nothing but recognition of women's basic human rights and creating an environment where they are treated as equals to men.

Need for Women Empowerment

Need for women empowerment developed since they are the subject of numerous sorts of violence and discriminatory acts done by males all around the globe. India is no exception. India is a complicated nation and its \customs and traditions, good as well as unpleasant, have formed a part of our society's collective consciousness. We \worship female deities; we also pay tremendous value to our mothers, daughters, sisters, spouses and other female relatives or acquaintances. But at the same time, Indians are also famed for treating their women horribly both within and outside their homes. Indian civilization comprises of individuals subscribing to practically all sorts of religious beliefs. In every religion women are given a specific position and every religion instructs us to treat women with respect and dignity. But way the society has so evolved the many forms of evil practises, both physical and mental, against women. For instance, sati paratha, practise of dowry, parda pratha, female infanticide, wife burning, sexual violence, sexual harassment at work place, domestic violence and other different forms of discriminating practises; all such crimes includes of physical as well as mental aspect

The causes for such actions towards women are various but the most prominent one are the male superiority complex and patriarchal structure of society. Though to abolish these bad practises and discrimination against women different constitutional and legal rights are available but in fact there are a lot to be done. Today we have seen numerous Acts and Schemes of the national government as well as state government to empower the women of India. But nevertheless women are prejudiced and marginalised at every level of the society whether it is social engagement, political participation, economic participation, access to education, and also reproductive healthcare. Women are found to be economically extremely impoverished all over the India. A few women are engaged in services and other occupations. So, they need economic power to stand on their own legs at par with males. On the other side, it has been noticed that women are found to be less literate than males. It is been found that some of ladies are too weak to work. They eat less food yet labour harder. Another concern is the workplace harassment of women. There are so many incidences of rape, abduction of girl, dowry harassment, and so on. For these reasons, people demand empowerment of all types in order to defend themselves and to maintain their purity and dignity. To sum up, women empowerment cannot be achievable until women step forth and to self-empower. There is a need to reduce feminine poverty, encourage education of women, and prevention and eradication of violence against women. Therefore, the notion of women empowerment not only emphasises on providing women courage and skills torise above from their terrible circumstance but at the same time it also concentrates on

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the necessity to educate men regarding women concerns and inculcating a feeling of respect and obligation towards women as equals.

Women in India

As per the constitution and legislative provisions, women now have a unique position in India where they are treated equally with males. However, Indian women had to make a lot of progress to get where they are now.

First, Draupadi was used as a gamble by her husband during the historical events of the Mahabharata, which is when female inequality in India first became a problem. History attests to the fact that women were forced to dance for males in both public and private settings.

Second, even only a few years ago, women in Indian culture were always reliant on the male family members.

Thirdly, a woman was not permitted to speak aloud in front of her in-laws' senior family members.

In the family, she was held accountable for every mistake.

Fourth, since she is a widow, she still depends more on the male family members.

Fifth, she is not allowed to interact with other family members in many social situations. Sixth, she plays a relatively little role in society's political, social, and economic life.

Seventh, child marriage, devadashi pratha, the nagar vadhu system, sati pratha, and other forms of discriminatory behaviour were among the first.

Eighth, women's socio-political rights were restricted, and they were forced to be completely reliant on the male family members.

Ninth, their right to an education, their right to a job, and their freedom to make their own decisions were all removed.

The National Movement, led by Mahatma Gandhi, came to prominence in the early 20th century and advocated for the elimination of all forms of discrimination against women. In addition, Raja Ram Mohan Rai, Iswar Chandra Vidyasagar, and other social reformers stressed the need of women's education, the avoidance of child marriage, the cessation of the sinful practise of sati, the abolition of polygamy, and other issues. They were freed from social ills and religious taboos thanks to the National Movement and other reform efforts. We might discuss the Sati (abolish) Act of 1829, the Hindu Widow Remarriage Act of 1856, the Child Restriction Act of 1929, the Women Property Right Act of 1937, etc. in this perspective. The first women's delegation that went to the Secretary of State in 1917 to seek political rights for women was sponsored by the Indian National Congress as well. Mahhommad Ali Jinna's efforts resulted in the passage of the Child Marriage Restraint Act in 1929.

Mahatma Gandhi pushed young men to wed child widows and urged people to oppose child weddings. Nearly all of the leaders of the battle for liberation believed that women should be granted

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equal position in a free India and that all forms of discriminatory behaviour must end. And in order for that to happen, it was deemed appropriate to incorporate measures in the Indian Constitution that would aid in the abolition of centuries-old exploitative norms and traditions as well as the political, social, and economic empowerment of women. Following India's independence, the constitution's authors and national authorities acknowledged that women and men had equal social status.

The Hindu Marriage Act of 1955 established the marriageable age, provided for monogamy and the mother's supervision, and allowed for the dissolution of marriage in certain situations. Unmarried, widowed, or divorced women of sound mind are also eligible to adopt children under the Hindu Adoptions and Maintenance Act of 1956. Similar to this, according to the Dowry Prohibition Act of 1961, anybody who gives, takes, or abets the giving or taking of dowry will be penalised with imprisonment that may last up to six months or a fine of up to Rs. 5000/or with both.

The Indian Constitution promises gender equality and really gives women preferential treatment. Three articles of the constitution include these.

According to Article 14, the government cannot deny anybody equality before the law or equal protection under the law.

According to Article 15, the government is not allowed to discriminate against any citizens based on their sex. A specific clause in Article 15 (3) allows the state to discriminate positively against women.

The state is required by Article 42 to provide provisions for fair and humane working conditions and maternity leave. In particular, Articles 15 (A) and (E) of the constitution place a basic obligation on every citizen to reject behaviour that is disrespectful to women's dignity.

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Indian Constitution

The authors of the Indian Constitution and our founding ancestors were adamant about granting women and men equal rights. The Constitution's several articles protect women's rights by treating them equally to males in society, politics, and the economy. There are various general and specific protections to protect women's human rights provided by the Preamble, the Fundamental Rights, the DPSPs, and other constitutional provisions.

Preamble

The Preamble of the Indian Constitution guarantees social, economic, and political justice as well as equality of opportunity, position, and human dignity. As a result, it treats men and women equally. Principled Rights: In our Constitution's Fundamental Rights, which are inscribed, the policy of women's empowerment is firmly established. Instances include:

- The right to equality for women is guaranteed under Article 14.
- Discrimination based on sex is expressly forbidden under Article 15(1).

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- The State may take affirmative action on behalf of women under Article 15(3).
- In issues pertaining to employment or nomination to any office, Article 16 guarantees equality of opportunity for all people.
- As basic rights, they are actionable in court, and the government is required to uphold them.

Legal Provision

In order to maintain the Constitution's mandate, the State has passed a number of laws aimed at guaranteeing equality, combating social discrimination, different types of violence, and atrocities, and offering support services, particularly to working women. Women may be victims of any crime, including murder, robbery, and cheating, but crimes especially targeted at women are referred to as "crimes against women." These may be generally divided into two groups. (1) Offenses Listed in the Indian Penal Code (IPC) I Rape (Sec. 376 IPC) (ii) Kidnapping and abduction for various reasons (Sec. 363-373) (Section 302/304-B IPC) Homicide for Dowry, Dowry Deaths, or their Attempts (iv) Physical and mental torture (Sec. 498-A IPC) (v) Sexual assault (Sec. 354 IPC) (vi) Sexual exploitation (Sec. 509 IPC) (vii) Girl importation (up to 21 years of age) (2) The Offenses Listed Under Special Laws (SLL) Although not all laws are gender-specific, those that substantially impact women have had their provisions reviewed and amended on a regular basis to keep up with changing needs. The Family Courts Act of 1954 and The Particular Marriage Act of 1954 are two laws that include special measures to protect women and their interests. The Hindu Succession Act of 1956, as amended in 2005, and The Hindu Marriage Act of 1955 The Maternity Benefit Act of 1961 (vi) and the Immoral Traffic (Prevention) Act of 1956 (v) (Amended in 1995) (vii) The 1961 Dowry Prohibition Act The Medical Termination of Pregnancy Act of 1971, the Contract Labor (Regulation and Abolition) Act of 1976, the Equal Remuneration Act of 1976, the Prohibition of Child Marriage Act of 2006, the Criminal Law (Amendment) Act of 1983, and the Indecent Representation of Women (Prohibition) Act of 1986 are all listed in the following table (xiv) Act of 1987 Commission of Sati (Prevention) (xv) Act of 2005 to Protect Women from Domestic Violence

Specific Laws for Women Empowerment in India

Here is a list of some particular legislation that the Parliament passed in order to carry out the Constitution's mandate for women's empowerment:

- The 1976 Equal Remuneration Act.
- The 1961 Dowry Prohibition Act.
- A 1956 law called the Immoral Traffic (Prevention) Act.
- The 1961 Maternity Benefit Act.
- A 1971 law called the Medical Termination of Pregnancy Act.
- The 1987 Act for the Prevention of the Commission of Sati.

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- Act of 2006 forbidding child marriage
- The Pregnancy Diagnostic Techniques (Regulation and Prevention of Misuse) Act of 1994.
- Act of 2013 against sexual harassment of women at work (prevention, protection, and).

In addition to giving women certain legal rights, the laws described above and others provide them a feeling of security and empowerment.

Special Initiatives for Women

i) National Commission for Women: The Government established this statutory body in January 1992 with a specific mandate to study and monitor all issues relating to the constitutional and legal protections provided for women, review the current legislation and suggest amendments where necessary, etc. (ii) Reservation for Women in Local Self-Government: The Parliament's 1992 73rd Constitutional Amendment Acts provide one.

Third of the total seats in all elected positions in local authorities, whether in rural or metropolitan regions, are reserved for women under the terms of the Creative Commons Attribution 4.0 International License. (iii) The National Plan of Action for the Girl Child (1991-2000): The plan's main goal is to assure the girl child's survival, safety, and growth in order to provide her a brighter future. The Government of India approved the National Policy for Children-2013 on April 26, 2013. Draft Format for the National Plan of Action for Children 2016. (iv) National Policy for the Empowerment of Women, 2001: In the year 2001, the Ministry of Human Resource Development's Department of Women & Child Development created a "National Policy for the Empowerment of Women." This strategy aims to empower and progress women by fostering their growth and development. The 2016 draught of the National Policy for the Empowerment of Women.

Conclusion and Suggestions

In conclusion, it can be claimed that women in India are striving to find their own place in the sun via their own unwavering efforts, with the support of constitutional and other legal provisions, as well as the assistance of the government's many social programmes. And it is encouraging to see how much more involved they are in both government and private jobs, in national socio-political activities, and in the highest decision-making organisations. However, we have a long way to go before we achieve the equality and fairness that our Constitution's Preamble calls for. The true issue is our society's patriarchal and male-dominated structure, which views women as inferior to males and devises various means of subjugating them. We must educate and sensitise society's male members about women's difficulties and work to instil a sense of community and equality among them in order to encourage them to cease discriminating against the more feminine sex. In addition to the government, many NGOs and aware individuals of the nation must work to make this happen. The first place to start is in our own homes, where we need to provide our female family members

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equitable access to chances for education, health, nutrition, and decision-making. India can only rise to prominence without any prejudice if its women are given real empowerment.

According to Pt. Jawaharlal Nehru, "You can judge the state of a country by looking at the position of its women."

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Reference

1. Bright, Pritom Singh (edt)----Competition Refresher, August, 2010, New Delhi.[2]
2. Hasnain, Nadeem---Indian Society and Culture, Jawahar Publishers and Distributors, 2004. New Delhi.[3]
3. Kar, P. K---Indian Society, Kalyani Publishers, 2000, Cuttack.[4]
4. Kidwai, A. R----(edt)Higher Education, issues and challenges, Viva Books, 2010, New Delhi),[5]
5. Rao Shankar, C. N.----Indian Society, S.Chand & Company Ltd, 2005, New Delhi.[6]
6. Read more <https://www.jaspaper.net/women-empowerment-in-india>