



## CONSTITUTIONAL AND LEGAL PROVISIONS: FOR WOMEN EMPOWERMENT IN INDIA

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### Abstract:

Empowerment provides greater access to knowledge and resources, greater freedom to make decisions, greater ability to plan life, greater control over situations affecting life, and freedom from customs, beliefs and practices. Thus, women empowerment is a process in which women challenge the existing norms and culture, to effectively promote they're well being. In India, the concept of women Empowerment is very important. The Indian Constitution guarantees that there shall be no discrimination on the grounds of gender. The Indian constitution has many legal provisions for the protection of women, but ironically, half of the population is unaware of their legal rights. In this paper, we will consider the important constitutional and legal provisions for women empowerment in India.

**Keywords—** Women Empowerment, Legal Provisions, Indian Constitution and Women rights

### Introduction

In ancient India, women attained equal status with men in every aspect of life. The Rigvedic texts indicate that women were married at a mature age and were probably free to choose their husbands. During the Vedic period, women attained equal status and authority. Although about 500 B.C. In the fall of the status quo began to decline, and with the Islamic invasion of Babur and the Mughal Empire and Christianity, the women's rights and rights of women were subsequently lost. However, reformist movements like Jainism allowed women to enter religious orders, and big women in India faced imprisonment and sanctions. Child marriage is believed to have begun around the sixth century. Devotional movements sought to restore the status of women and raised questions about some forms of oppression. Traditions such as Sati, Jawahar, and Devadasi are banned in some communities and are widespread in modern India. However, some examples of these practices are still found in remote areas of India. Pradha is still practiced by some Indians. Child marriage is common in rural areas, although it is prohibited by current Indian law. Today, women in India are fully involved in areas such as education, sports, politics, media, art and culture, services, science and technology, etc. This paper attempts to study various constitutional and legal provisions for women provided by the Constitution of India.

### Methodology

The purpose of this article is to examine the constitutional and legal status of women. This paper is descriptive and analytical in nature. The data used here is collected from secondary sources.

#### Rights and Privileges:

##### Constitutional Provisions:

The Indian Constitution not only provides women with equality but also allows the state to take positive measures of discrimination in favour of women in order to counter the combined socio-economic, educational and political disadvantages that they face. Fundamental rights, among other things, guarantee equality before the law and the protection of the law; prohibits discrimination against any citizen on the basis of religion, race, caste, gender or place of birth and guarantees equal opportunities for all citizens in employment matters.

- Equality before law (Article-14)
- Prohibition of discrimination on ground of religion, race, caste, sex or place of birth(Article-15(1))
- The state has been empowered to make special provisions for the women. (Article 15 (3)).
- Equality of opportunity for all citizens relating to employment(Article-16)
- Traffic in human beings and forced labour are prohibited Article 23(1).



- The state to secure for men and women equally the right to an adequate means of livelihood Article 39(a).
- Equal pay for equal work for both men and women (Article 39(d) )
- Provision to be made by the for securing just and humane conditions of work and maternity relief(Article 42)
- It shall be the duty of every citizen of India to renounce practices derogatory to the dignity women Article 51-A (e).
- Reservation of one third of total seats for women in direct election to local bodies (Article 343(d) and 343(T)

Laws related to women are classified under two major categories:-

#### A. Indian Penal Code

- Rape (Sec. 376 IPC): The rapist must be punished with a strict prison sentence of one of the descriptions for a period of no less than seven years but can extend to life imprisonment and also be fined.
- Kidnapping & Abduction for different purposes ( Sec.363-373) :  
Any abduction of a minor for begging or abduction of minors for the purpose of prostitution or illegal sexual intercourse will be punished by imprisonment according to any of the descriptions for a term of up to ten years, and may also be fined.
- Homicide for Dowry, Dowry Deaths or their attempt (Sec. 302/304-B IPC):  
Woman was caused by burns or physical injury or took place other than under normal circumstances within seven years after the marriage; it has been proven that she was abused by her family members or husband shortly before her death. Before or in connection with a dowry, this death is called the 'dowry death'. Anyone who commits dowry death will be punished with deprivation of liberty for a period of any description for a period of at least seven years, but which can be extended to life imprisonment.
- Torture, both mental and physical (Sec. 498-A IPC):  
The husband or relative of the husband of a woman who has been subjected her to cruelty will be punished with imprisonment of up to three years, as well as a fine.
- Molestation (Sec. 354 IPC):  
The person who attacks or uses criminal force against any woman intending to insult her modesty will be punished for imprisoning any of the descriptions for up to five years and will also be liable to fine.
- Sexual Harassment (Sec. 509 IPC):  
Who intending to insult female modesty, utter any word, utter any sound or gesture or show any object, intending that such gestures or objects be noticed by this woman or violate her personal life, will be sentenced to imprisonment of any of the descriptions for up to three years, and will also be fined.

#### B. Special Laws

- The Dowry Prohibition Act 1961  
Prohibits extortion, payment or acceptance of a dowry “in exchange for marriage”, where “dowry” is defined as a necessary gift or provided as a prerequisite for marriage. Anything issued without preconditions is considered as gifts and are legal, per section 3(2). A request or provision of a dowry may be punished by imprisonment of up to six months, a fine of up to rupees. 15,000 or the amount of dowry (whichever is greater) or imprisonment for up to 5 years. Replaced several anti-dowry laws adopted by various Indian states.
- The Immoral Traffic (Suppression) Act (SITA) (1956)  
This is the basic law on the status of sex workers. According to this law, prostitutes can trade privately, but cannot legally attract clients in public. Organized prostitution (brothels, prostitution rings, pimps, etc.) is illegal. Provided that this is done individually and voluntarily, a woman can use her body in exchange for material benefits. In particular, the law prohibits sex workers from practicing 200 meters from public places.



Unlike other professions, sex workers are not protected by the usual labour laws but have the right to rehabilitation if they want and have all the rights of other citizens.

- **The Protection of Women from Domestic Violence Act 2005**  
It is an Indian Parliament Act passed to protect women from domestic violence. Originally designed to protect a wife or female partner from domestic violence by a male or their relatives, the law also extends its protection to women living in the household, such as sisters, widows or mothers. According to the Law, domestic violence includes actual violence or the threat of physical, sexual, verbal, emotional or economic violence. Harassment of unlawful dowry claims against women or their relatives will also be covered by this definition.
- **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressed) Act, 2013**  
It is a legislative act in India to protect women from sexual harassment in the workplace. The law will protect women from sexual harassment in all workplaces, whether in public or in private. This will contribute to the realization of your right to gender equality, life and freedom, and equality in working conditions anywhere. A sense of security in the workplace will improve the participation of women in work, which will lead to the expansion of their economic rights and comprehensive growth. According to the law, which also covers students in schools and colleges, as well as patients in hospitals, employers and local authorities, they must set up complaints committees to investigate all complaints.
- **The Family Courts Act, 1954**  
The court was created to conclude on matters relating to family law, such as family allowance, child custody, custody of a spouse, etc. called the family court. The Committee on the Status of Women in 1975, together with the report of the 59th Legal Commission, recommended that the central government create a separate judicial forum to resolve family disputes immediately before the trial. Therefore, it was decided to establish a family court in India in accordance with the 1984 Law. The family court will have the same status as the district court and will exercise jurisdiction accordingly, as well as the power to initiate actions and procedures in accordance with the conditions provided for by law. According to the law, a party to a dispute cannot claim the services of a lawyer by law, but the court will have the right to appoint a lawyer.
- **The Maternity Benefit Act, 1961 (Amended in 1995)**  
Each woman who is entitled to receive maternity benefits in accordance with this Law will also be entitled to receive a medical bonus of Rs 1,000 from her employer if the employer does not provide free assistance during childbirth and postpartum care.
- **The Medical Termination of Pregnancy (MTP) Act**  
Pregnancy not exceeding 12 weeks may be interrupted on the basis of a conscientious consensus. In case of pregnancy more than 12 weeks, but less than 20 weeks, the opinion of two doctors is necessary for termination. The law clearly establishes the conditions under which a pregnancy may be interrupted.
- **National Commission for Women**  
It is the statutory body of the Government of India, mainly engaged in advising the government on all political issues relating to women. It was created in January 1992 in accordance with the provisions of the Indian Constitution, as defined in the 1990 Law on the National Commission for Women's Affairs. The goal of the NCW is to represent women's rights in India and to express their issue and concerns. The subjects of their campaign were dowry, politics, religion, equal representation of women in the workplace, and exploitation of women for work. The goal of the NCW is to represent women's rights in India and to express their issue and concerns. The themes of this campaign were dowry, politics, religion, equal representation of women in the workplace, and exploitation of women for work.
- **Reservation for Women in Local Self –Government :**  
The 73rd Constitutional Amendment Act, passed by Parliament in 1992, guarantees one-third of all women seats in elected office in local government, whether in rural or urban areas.
- **The National Plan of Action for the Girl Child for 1991-2000**



This is an action plan specially developed by the Government of India to protect and promote the girl. This plan aims to prevent female feticide and infanticide, eliminate discrimination based on sex, provide clean water and food near homes, and rehabilitate and protect girls from exploitation, aggression and abuse.

- National Policy for the Empowerment of Women, 2001

The Department of Women and Children Development of the Ministry of Human Resources Development developed a national policy on the empowerment of women in 2001. The purpose of this policy is to promote the advancement, development, and empowerment of women. This policy will be widely disseminated, encourage actively the participation of all stakeholders to achieve their goals.

### Conclusion:

In the framework of democratic politics, our development laws, policies, plans and programs are aimed at improving the status of women in various fields, and in recent years the empowerment of women has been recognized as a central problem in determining the status of women. The National Commission for Women was established by a parliamentary act in 1990 to protect the rights and legal rights of women. The 73rd and 74th amendments (1993) of the Indian Constitution provide for the reservation of seats in local panchayats and municipalities for women, which creates a solid basis for their participation in decision-making at the local level.

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