

CONSTITUTIONAL PROTECTION FOR THE EMPOWERMENT OF WOMEN IN INDIA



Abstract:-

Since the dawn of history, women had been given only an inferior status by the society. Male chauvinism was the order of the day in ancient times. Man was not prepared to give women an equal status in those days. Women Empowerment is very important for National development. The progress of the nation cannot be complete until the women population has access to empowerment at all levels - Education, Employment, Reservation, Political, Social, Cultural, and also in all other aspects. Empowerment of the women and this in turn would help in the eradication of many social evils such as dowry, atrocities on women, discrimination, child marriage and

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female foeticide. The Indian Constitution provides provisions for the protection of the women at large only due to engraving in the Constitution of India.

Key Words:

Constitutional Protection , Women In India , Society , Women Empowerment .



INTRODUCTION

In order to empower women, it is necessary for the full development of her personality, allowing her to enjoy the least fundamental freedoms, and finally providing her an equal opportunity in the political, social, economic and cultural aspects of the country.

MEANING

Women empowerment can be interpreted as totality of empowerment including political, social, cultural, and other dimension of human life as also the physical, moral and intellectual. In simple, women empowerment is basically the creation of an environment where women can make independent decisions on their personal development as well as shine as equals in society.

The women empowerment has been felt as a tool to bring about changes in their socio-economic condition. It has been felt on the part of nation as well as individual that no society can progress till women, a major constituent of society, lag behind. Empowerment of women needs to begin with her participation in different spheres of life. Need for Women Empowerment

India in the very beginning realized the need for empowering the women such as they make their own contribution to economic growth, by raising the quality of skills of the work force and slowing down population growth, thus reducing the burden on the environment which will improve sustainability.

Reasons For The Rationale Behind The Empowerment Of Women

Why do women require empowerment? Is it a right step to establish equality between men and women? Does it help them to remove their disabilities? Will it provide solutions to many of the problems with which they are suffering? - A series of questions like these come before us demanding an answer. The following explanation gives us some answer

1. Economic Exigencies : Women are found to be economically weak all over India. They are depending on their men folk for the fulfillment of their basic economic necessities. Hence they require economic power to stand on their own legs on par with men.
2. Poor literacy : In most of the underdeveloped and developing countries, women are found to be less literate than men. The higher rate of illiteracy of women has made them to become dependent on men and to play a subordinate role. Only recently women are becoming more and more aware of education.
3. Negligence of health : Poor health on the part of women has also one of the weakness. Women consume less food and work more. Thus from the health point of view also women folk who are found who are found to be weaker are to be made stronger.
4. Atrocities against women : Women represent the weaker sex. This fact is also borne by the number of crimes and atrocities committed against them. There are cases of rape, kidnapping of girls, dowry harassments, molestation, sexual harassments, abuse of women etc. Women in all walks of life are discriminated against by men. They have become the victims of atrocities in any number of ways. Hence they require empowerment of all kinds in order to protect themselves and to protect their purity and dignity.

CONSTITUTIONAL PROTECTION FOR THE EMPOWERMENT OF WOMEN

The Indian constitution grants equality to women and also empowers the state to adopt measures of positive discrimination in favour of women to neutralize the cumulative socio-economic, educational and political disadvantages faced by them.

The Provisions for the empowerment of women is enshrined in the Preamble, Fundamental Rights, and Fundamental Duties and Directive Principles of the Indian Constitution:-

Fundamental Right

Article 14 :- The State shall not deny to any person equality before the law and the equal protection of the laws within the territory of India. It prohibits any discrimination on grounds of religion, race, caste, sex or place of birth. Nothing in this article shall prevent the State from taking any special provisions for women. Women require special treatment on account of their very nature. The Government can make provisions for reservation of seats for women in educational institutions. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. No citizen shall on discrimination be ineligible for or in respect of any employment or office

under the State.

Article 15 :-of the Indian constitution forbids discrimination on grounds of caste, religion, sex, race and place of birth.

Article 15(1):- of the Indian Constitution prohibits discrimination on the ground of religion, race, caste, sex or place of birth, but at the same time the state is not prevented from making any special provisions for women and children or for the advancement of any socially and educationally backward class of citizens or of the scheduled caste and scheduled tribe.

Article 16 :-Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

Directive Principles Of State Policy

Article 39-A :- State to direct its policy towards securing for men and women equally, the right to an adequate means of livelihood

Article 39(d) :- Equal pay for equal work for both men and women The health and strength of women are not to be abused.

Article 39(e) :- The State shall in particular direct its policy towards securing that the health and strength of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength. Remuneration Act 1976.

Article 42 :- It further provides that, the State shall make provision for securing just and humane conditions of work and for maternity relief. With object implementing the provisions of Article 42 of the Constitution. Maternity Benefit Act, 1961 was enacted and provided maternity benefit to the women workers.

FUNDAMENTAL DUTIES

Article 51(A) (e) :-Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat.

Article 243 D(3) :- Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality.

Article 243 T (3) :- It provides that State shall secure that the operation of the legal system promotes justice, on the basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. With the object of implementing the mandates the Legal Services Authorities Act, 1976 enacted by the Indian Parliamentarians providing the protection that all women are entitled for free legal aids.

CONCLUSION

At last the author like to conclude that the though there are so many constitutional provisions for the protection of the women, gender discrimination, crimes against women, violation of women rights in human rights etc., are still found all over the country and all the constitutional provisions and other legal provisions must be properly and effectively implemented for the real empowerment of women.

1. Rosemeyer - Women's Rights and Empowerment

2. Rashmi rani and Basalingamma -A Study on Women Empowerment: Strategies for women empowerment

3. Sangeeta kumar- Women Development and Empowerment: Problems and limitations

4. Prohibition of discrimination on the ground of religion, race, caste, sex or place of birth-(1) The State shall not discriminate against any citizen on ground of only religion, race, caste, sex or place of birth or any of them

5. Article 15(3); nothing in this Article shall prevent the State from making any special provision for women and children.

6. (4);Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of the socially and educationally backward classes of the citizen or for Scheduled Caste or Scheduled Tribes., and

(5)Nothing in this article or in sub clause of (g) of clause (1) of the article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of the citizens or for Scheduled Caste or Scheduled Tribes in so far as the special provisions relates to their admission to educational institutions including private educational institutions, whether aided or unaided by the state, other than minority educational institutions referred in clause (1) of article 30

7. Inserted by the Constitution (Forty second Amendment) Act, 1976

Article 39(e): that the health and strength of the workers, men and women, and the tender age of children are not abused and that the children are not forced by economic necessity to enter avocation unsuited to their age or strength.