

INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION

[ISSN 2581-9453]

Volume 2 | Issue 1

2020

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Constitutional Status of Women in India

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ABSTRACT

Women are a crucial part of a family. She can be a daughter, a mother, a wife, a grandmother and the world can never be complete without a woman. Since the inception of this world, women are treated as the weaker section of the society and are told to live beneath the shoes of their husbands and fathers. They are always the victims to severe crimes namely rape, acid throwing, eve teasing, dowry deaths, female infanticide and domestic violence to name a few.

This article covers the aspects where the law of our country has contributed its best to make the lives of the women easy and make them live with respect and dignity.

I. INTRODUCTION

Terrorism Women are the key part of every family. The Government of India has made numerous laws to provide equal status to women in our country and secure their lives from various crimes and violent activities. Constitution of India provides fundamental rights and fundamental duties to the citizens of India and each and every citizen of this country is equally entitled to these rights and duties. Women were treated indifferently in earlier times, but now the scenario has changed. Women in India now are active participants in each and every field associated with the country. She enjoys equal respect, contributes to the income of the family and also performs the duties and responsibilities of her household.

II. CONSTITUTIONAL RIGHTS TO WOMEN

The Constitution of India guarantees to all Indian women equality before law (**Art.14**), no discrimination by the State (**Art. 15 (1)**), equality of opportunity in matters of public employment (**Art.16**), and equal pay for equal work (**Art.39(d)**). In addition to this, it allows **special provisions** to be made by the State in favour of children and women (**Art.15(3)**), renounce practices derogatory to the dignity of women (**Art. 51(A) (e)**), and also allows for provisions to be made by the State for securing and providing just and humane conditions of work and for maternity relief. (**Art. 42**). **Article 243** contains provisions for reservation for

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women belonging to backward classes.

In its landmark judgment, the Apex Court in *Air India v. Nergesh Meerza*², has held that a woman shall not be denied employment merely on the ground that she is a woman as it amounts to violation of Article 14 of the Constitution.

III. LEGAL PROVISIONS FOR WOMEN EMPOWERMENT IN INDIA

Empowerment provides a wide access to data and resources, more independence in decision making, considerable ability to set up lives, management over the circumstances that influence lives, and freedom from practices, customs and beliefs. We generally observe in our day to day lives how women become victimized by various social evils. Empowerment of women is a vital instrument to expand and enhance women's ability to have access to resources and make strategic life choices. Here we are going to have a look into the various legal provisions for the safety and empowerment of women.

1. **Immoral Traffic (Prevention) Act (1956)**: It is the prime legislation for prevention of trafficking of women and children for commercial sexual exploitation. In other words, it prevents trafficking in children and women for the purpose of prostitution as an organised means of living.
2. **Medical Termination of Pregnancy Act (1971)**: An Act to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto.
3. **Protection of Women from Domestic Violence Act (2005)** is a comprehensive legislation to protect women in India from all forms of domestic violence. It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind—physical, sexual, mental, verbal or emotional.³
4. **Dowry Prohibition Act (1961)** prohibits or forbids the giving or taking of dowry at, before or any time after the marriage, from women. If any person, gives, takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees (5000 INR), or, with both.

² AIR 1981 SC 1829.

³ Team Edugeneral, *Legal Rights to Women*, Women Rights in India: Constitutional Rights and Legal Rights (29 May, 10:32 PM), <https://edugeneral.org/blog/polity/women-rights-in-india/>

5. **Hindu Marriage Act (1955):** It introduced monogamy and allowed divorce on certain specified grounds. It provided equal rights to an Indian man and woman in respect of marriage and divorce.
6. **Hindu Succession Act (1956):** The Hindu Succession Act, 1956 is an Act relating to the succession and inheritance of property. This Act lays down a comprehensive and uniform system which incorporates both succession and inheritance.⁴
7. **Indian Penal Code (1860)** contains certain provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.
8. **The Child Marriage Restraint Act of 1929:** The practice of child marriage is another social evil from which women in traditional Hindu societies are suffering a lot. Age at time of marriage for girls was 9 or 10 and after passing this act, the minimum age for marriage of women was fixed to 15 years. Later this age was increased up to 18 years.
9. **Equal Remuneration Act, 1976:** The primary motive of the Equal Remuneration Act 1976 is to provide for payment of remuneration to men and women on a uniform basis, in a just and fair manner, in order to avoid discrimination and injustice against them.
10. **The Maternity Benefits Act, 1961** is a Social Security Legislation to regulate and standardize the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit, relief and certain other benefits for the mother as well as child.
11. **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013:** An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.⁵

IV. SPECIAL INITIATIVES FOR WOMEN

1. **National Commission for Woman** - In January 1992, the Government of India set up this statutory body to study, monitor and observe all the matters relating to the safeguard of women and to review the existing legislation to make and suggest amendments wherever necessary.
2. **The National Plan of Action for the Girl Child (1991-2000)**, is a specially

⁴ Ishaan Banerjee, *Introduction*, The Hindu Succession Act, 1956 (29 May, 10:54 PM), <https://blog.ipleaders.in/the-hindu-succession-act-1956/>

⁵ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

formulated action plan by the Government of India to protect and promote the Girl Child.

3. **Beti Bachao, Beti Padhao Yojana:** The government campaign of 'Beti Bachao, Beti Padhao' was started with much celebration with a hope that finally, India will work on the girl child problem that we have been struggling with for decades now. Through this campaign, the Government of India aims to generate awareness and improve the efficiency of welfare services and access to resources intended for girls in India.
4. **Reservation for women in local self- government:** The 73rd Constitutional Amendment Act was passed by the parliament in 1992, ensuring one-third($1/3^{\text{rd}}$) of the total seats for women in all elected offices in local bodies whether in urban or rural areas.

Apart from these few rights and campaigns, there are various other laws in place, for minimum wage between men and women, rights of mothers to custody of their children etc.

V. CONCLUSION

Our country law's, development policies, plans and programmes have aimed at women 's advancement in different spheres and modes. Women- blessed with all qualities in her are considered weak by the society but are the strongest, excelling in every field. Our constitution grants equal status to both genders but strong patriarchal traditions exist till date in the society. She is treated as an inferior personality and considered subordinate to men. Even after 73 years of independence, it is unfortunate that women are still ill- treated by the society. The women's movement, the initiatives and campaigns by the government has helped, till certain extent. Yet, there still exists a wide gap between the goals articulated in the Constitution, legislation, plans, programmes, policies and related mechanisms on one hand and the reality of the status of women in India, on the other.
