



CONSTITUTIONAL PROVISIONS FOR GENDER EQUALITY: THE WAYS FOR WOMEN'S FREEDOM

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Introduction: Gender equality is inscribed in the Indian Constitution's preamble, fundamental rights, fundamental duties, and commanding principles. Women's equality is guaranteed under the Constitution, which also allows the state to take anti-discriminatory measures against women. However, there is a significant gap between concept and reality in the field of women's human rights in India. Indian civilization is ruled by men, and men are always superior to women. Women in India are frequently subjected to prejudice, injustice, and humiliation. Despite the fact that women have greater rights than males in India, the status of women in India remains dire. The aim of this paper is to provide understanding about women's constitutional and legal rights in India.

Constitutional provisions relating to women in India: The establishment of an independent India with a codified Constitution guaranteeing significant rights and freedoms for women is a watershed moment in the advancement of women's status and position. Independence spawned a new awareness in our society about the importance of protecting and promoting human dignity for all people, regardless of their circumstances.

The Constitution's architects were fully aware of women's vulnerable position in a multi-cultural Indian society, and they recognized that gender equality was required to ensure human dignity. The Constitution's preamble encapsulates in solemn form all of the country's goals and objectives that it had fought for throughout the British government, and it expresses "what we had thought or dreamed for so long."

Preamble of the Constitution: In principle, the Constitution's preamble acknowledged sex equality. It ensures social, economic, and political justice for all people, regardless of gender; freedom of "thought, expression, religion, faith, and worship; and equality of status and opportunity" for all citizens. The preamble of India's Constitution opens with the words "WE THE PEOPLE OF INDIA.....," referring to "men and women of all castes, religions", and places of birth. When a constitution's preamble includes a

reference to the people, it is reasonably claimed that an accompanying commitment to gender equality will inspire a broad and inclusive interpretation of this language. Its goal is to give every man and woman EQUALITY of position and opportunity. It also ensures an individual's DIGNITY, which includes the dignity of women.

Table1: constitutional rights and provisions for women

No	Articles	Description
1.	Article14	Equality before Law
2.	Article15(1)	Prohibition of discrimination, religion, race, caste, sex or place of birth.
3.	Article15(3)	The state is empowered to make any special provision for women.
4.	Article15(4)	Special arrangements for promoting socially and educationally backward class.
5.	Article16(2)	Equality of opportunity for all citizens for employment or appointment to any office under the state.
6.	Article19	Every citizen has Freedom of speech and expression
7.	Article19(1)	Right to information
8.	Article21	Protection of life and personal liberty
9.	Article21(A)	Right to Education.
10.	Article23(1)	Traffic in human beings and forced labours are prohibited.
11.	Article39(A)	The state to secure for men to women equally the right to an adequate means of livelihood.
12.	Article39(D)	The state to secure equal pay for equal work for both Indian men and women.
13.	Article39(E)	The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength.
14.	Article42	The state shall make provision for securing just and human conditions of work and maternity relief.
15.	Article51-A(e)	It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women.
16.	Article243-D(3)	One Third of the total number of seats to be filled by direct election in every panchayat shall be reserved for women.
17.	Article243-D(4)	One Third of the total number of offices of chairpersons in the panchayats shall be reserved for women.
18.	Article243-T(3)	One Third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women.
19.	Article243-T(4)	The offices of chairpersons in the municipalities shall be reserved for women in such manner as the state legislature may provide.

Fundamental Rights, among others ensure equality before the law, equal protection to laws, prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantees equality of opportunity to all citizens in matters relating to employment. Right to equality is an important right provided for in Articles 14, 15 and 16 of the constitution of India. It provides the equal privileges and opportunities to all citizens of India without any discrimination. Right to freedom provided for in articles 19 and 19(1). Right to life provided for in articles 21 and 21(A). Right to religion in the

Article 23. Equal pay and equal work provided for in articles 39(A), 39(D) and 39(E). Reservation for women in political areas for articles 243-D (3), 243-D (4), 243-T (3) and 243-T (4).

Legal rights: To bring out the constitutional mandate, the state has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims in any of the crimes be it 'Murder', 'Robbery', 'Cheating' or any other crimes, the crimes which are directed specifically against women are characterized as 'Crime against women'. Although a woman can be a victim of any crime in society and in fact all crimes cannot be classified as a crime against women except few crimes which affects women largely. However major steps have been taken by the legislation which has proved as weapons for women and helped them to stand in male dominating country. Now we will discuss major crimes against women along with the legal provision which penalize the criminal.

THE CRIME IDENTIFIED UNDER THE INDIAN PENAL CODE (IPC):

Table 2. The Crime identified under the Indian penal code (IPC)

S.No	Crimes	Indian Penal Code(IPC)	Punishment
1.	Rape	Sec.376IPC	7years
2.	Kidnapping & Abduction for different purposes	Sec.363-373IPC	10years
3.	Homicide for Dowry, Dowry Deaths or their attempts	Sec.302/304-BIPC	7years
4.	Torture, both mental and physical	Sec.498-AIPC	3years
5.	Molestation	Sec.509IPC	5years
6.	Sexual Harassment	Sec.509IPC	3years
7.	Importation of girls(up to 21 years of age)	Sec.366-BIPC	10years

Table 2 described a rapist shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine. Any person who is abducting a minor for purpose of begging or kidnapping minor/women for prostitution or illicit intercourse, shall be punished with imprisonment of either or description for a term which may extend to ten years, and shall also be liable to fine. Where the death of a woman is caused by any burns or bodily injuries occur other than normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her in laws or husband, or in connection with, any demand of dowry, such death shall be called dowry death. Whoever commits dowry death shall be punished with imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life. Husband or family of husband of a woman subjecting her to cruelty, shall be punished with

imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. Whoever assaults or uses criminal force to any women, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine. Whoever, intending to insult the modesty of a woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such gestures or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

VARIOUS LEGISLATION'S CONTAINED SEVERAL RIGHTS AND SAFEGUARDS FOR WOMEN

Table3. Various Legislation's contained Several Rights and Safeguards for Women

S.No	Act	Description
1.	Indian Penal Code(1860)	Contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.
2.	Dissolution of Muslim Marriages Act (1939)	Grants a Muslim wife the right to seek the dissolution of her marriage.
3.	MinimumWagesAct,1948	Does not allowed is crimination between male and female workers or different minimum wages for them.
4.	Mines Act (1952) and Factories Act(1948)	Prohibitstheemploymentofwomenbetween7P.M.to6A.M.in mines and factories and provides for their safety and welfare.
5.	Hindu Marriage Act(1955)	It provided equal rights to Indian man and woman in respect of marriage and divorce.
6.	Hindu Succession Act(1956)	Recognizes the right of women to in her it parental property equally with men.
7.	Immoral Traffic (Prevention) Act(1956)	The premier legislation for prevention of trafficking for commercial sexual exploitation. In other words, it prevents trafficking in women and girls for the purpose of prostitution as an organized means of living.
8.	Dowry Prohibition Act(1961)	Prohibits the giving or taking of dowry at or before or any time after the marriage from women.
9.	Maternity Benefit Act(1961)	Regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.
10.	Medical Termination of pregnancy Act(1971)	The termination of certain pregnancies by registered medical practitioners on humanitation and medical grounds.
11.	Code of Criminal Procedure (1973)	Has certain safe guard for women like obligation of a person to maintain his wife, arrest of women by female police.
12.	Equal Remuneration Act(1976)	Provides for payment of equal remuneration to both men and women workers for same work or work of a similar nature.

13.	Family courts Act(1984)	Provides for the establishment of family courts for speedy settlement of family disputes.
14.	Indecent representation of women (prohibition) Act(1986)	Prohibits indecent representation of women through advertisements Or in publications, writings, paintings, figures or in any other manner.
15.	Muslim women (protection of rights on divorce) Act(1986)	Protects the rights of Muslim women who have been divorced by or have obtained divorce from their husbands.
16.	Legal Service Authorities Act (1987)	Provides for free legal service to Indian women.
17.	Commission of sati (prevention) Act(1987)	Prevention of the commission of sati and its glorification on women.
18.	Protection of women from domestic violence Act (2005)	Violence of any kind of physical, sexual, mental, verbal or emotional.

Table 3 explained the Various Legislation's Contained Several Rights and Safeguards for Women. The first act contains provisions to protect Indian women from dowry, rape, kidnapping, cruelty and other offences. Dissolution of Muslim Marriages Act 1939 contains grants a Muslim wife the right to seek the dissolution of her marriage. Minimum Wages Act, 1948 does not allow discrimination between male and female workers or different minimum wages for them. Mines Act 1952 and Factories Act 1948 prohibits the employment of women between 7 P.M. to 6 A.M. This Act provides their safety and welfare. Hindu Marriage Act 1955 provided equal rights to Indian men and women in respect of marriage and divorce. Hindu Succession Act 1956 recognizes the right of women to inherit their parental property equally with men. Immoral Traffic (Prevention) Act 1956 the premier legislation for prevention of trafficking for commercial sexual exploitation. In other words, it prevents trafficking in women and girls for the purpose of prostitution as an organized means of living.

Dowry Prohibition Act 1961 prohibits the giving or taking of dowry at or before or any time after the marriage from women. Maternity Benefit Act 1961 regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits. Medical Termination of pregnancy Act 1971 termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds. Code of Criminal Procedure 1973 has certain safeguards for women like obligation of a person to maintain his wife, arrest of women by female police. Equal Remuneration Act 1976 Provides payment of equal remuneration to both men and women workers for same work or work of a similar nature. Family courts Act 1984 provides the establishment of family courts for speedy settlement of family disputes. Indecent representation of women (prohibition) Act 1986 prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner. Muslim women (protection of rights on

divorce) Act 1986 protects the rights of Muslim women who have been divorced by or have obtained divorce from their husbands. Legal Service Authorities Act(1987) provides for free legal service to Indian women. In the same year Commission of sati (prevention) Act 1987 Prevention of the commission of sati and its glorification on women. Protection of women from domestic violence Act 2005 Violence of any kind of physical, sexual, mental, verbal or emotional.

Concussion: The Indian Constitution recognizes equality as a basic right, which implies it now applies to all citizens of the country. Society and values have advanced since the Constitution was initially enacted into law, yet the system still has flaws. Many people in the world still assume that having a daughter is a burden on the family. The government, the Supreme Court, and other authorities have developed a range of preventative measures to counteract discrimination on several times; nonetheless, this has not changed the unsophisticated worldview of those who even consider committing female feticide. Given all of these considerations, achieving total gender equality in a country like India remains a tough and perilous endeavor.

References

- Dr. Uma Shanker Sharma, (2018) *Human Rights and Constitutional Provisions for Gender Equality and Equity*, *Journal of Advances and Scholarly Researches in Allied Education* Vol. 15, Issue No. 9, October-2018, ISSN 2230-7540
- Shaista Kahkeshan & Mohd Juned Ansari (2022) *WOMEN's RIGHT AND THE INDIAN CONSTITUTION: A COMPREHENSIVE STUDY* ©2022IJRAR August 2022, Volume 9, Issue 3 [www.ijrar.org\(E-ISSN2348-1269,P-ISSN2349-5138\)](http://www.ijrar.org(E-ISSN2348-1269,P-ISSN2349-5138))
- N.SUBASINI (2021) *Indian constitution and women legal rights: a conglomerate analysis*, *Ilko gretim Online-Elementary Education Online*, Year; Vol 20 (Issue 5): pp.1418-1425 <http://ilkogretim-online.org>
- Bakshi, P.M., & Kashyap, S.C. (1982). *The constitution of India*. Universal Law Publishing.
- Divya.M. (2017). *A Study On the Rights and Privileges of Women in India*. *IOSR Journal of Humanities and Social Science (IOSR-JHSS)* 22.7(2017): 28-33., Volume 22, Issue 7, Ver. 13 <http://www.womenlawsindia.com/legal-awareness/crimes-against-women>
- Shambhunath B (2016). *Awareness on legal rights of women: A study of Kalaburagi district*, *International Journal of Law*, Volume 2; Issue 3; Page No. 12-16. <file:///C:/Users/EDUCATION/Downloads/2-3-21-233.pdf>
- Yunus, S., & Varma, S. (2015). *Legal Provisions for Women Empowerment in India*. *International Journal of Humanities and Management Sciences*, 3(5), 367-370.

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