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## Constitutional and Legal Provisions for Women Empowerment in India

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### Abstract

Women's empowerment is the cornerstone of a just, progressive, and inclusive society. It entails enabling women to realize their rights, make autonomous decisions, and live with dignity and equality, free from fear, coercion, and discrimination. Empowered women not only elevate their own status but also contribute profoundly to the social, economic, and political development of their communities and the nation as a whole. However, in India, the struggle for gender equality remains a complex and evolving challenge. Despite constitutional guarantees and numerous laws enacted to safeguard their rights, women continue to face multifaceted forms of injustice such as domestic violence, sexual harassment, dowry-related deaths, human trafficking, and gender-based discrimination in both private and public spheres. Historically, Indian civilization revered women as embodiments of strength, wisdom, and virtue. In ancient Vedic texts, women were regarded as equal partners in knowledge, spirituality, and social participation. Yet, over centuries, regressive social customs and patriarchal systems eroded their status, reducing them to positions of dependency and subordination. The modern era has witnessed significant social and legal reforms, yet the gap between legal ideals and societal realities persists. Practices like female foeticide, child marriage, and workplace harassment continue to reflect the deep-seated patriarchal mindset that undermines gender justice. The framers of the Indian Constitution recognized the urgent need to rectify these historical injustices. Accordingly, they embedded the principle of gender equality within the Preamble, Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties. The Constitution prohibits discrimination on the basis of sex (Article 15), ensures equality before the law (Article 14), and mandates equal opportunity in employment (Article 16). Moreover, it empowers the State to implement special measures to uplift women and eliminate gender-based disparities. Complementing these constitutional guarantees, a range of legislative measures such as the Dowry Prohibition Act (1961), the Indecent Representation of Women (Prohibition) Act (1986), the Protection of Women from Domestic Violence Act (2005), and the Sexual Harassment of Women at Workplace Act (2013) have been enacted to ensure women's safety, dignity, and empowerment. India's commitment to gender equality is further reinforced by its ratification of international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. These frameworks collectively represent a

national and global acknowledgment of women's rights as fundamental human rights. Nevertheless, the challenge lies in effective implementation, legal awareness, and changing deep-rooted social attitudes that continue to oppress women. This paper aims to provide a comprehensive analysis of the constitutional and legal provisions that safeguard and promote women's empowerment in India. It examines their scope, relevance, and practical application while identifying the socio-legal barriers that impede progress. The study also emphasizes the necessity of gender sensitization, education, and institutional reforms to bridge the gap between legal rights and their realization. True empowerment will be achieved only when every woman in India can exercise her rights with confidence and live in a society that upholds equality, justice, and dignity for all.

**Keywords:** Inclusive Society, Discrimination, Human Trafficking, Patriarchal Systems, Female Foeticide, Ratification, Gender Justice, Socio- Legal Barriers.

## **Introduction**

The status of women has long been recognized as a critical indicator of social development and national progress. Pt. Jawaharlal Nehru's observation that "the condition of a nation can be gauged by the status of its women" underscores the centrality of gender equality to societal well-being. In academic discourse, the position of women is widely used as a benchmark to assess human development, social justice, and the effectiveness of governance structures. Women's status encompasses a multidimensional spectrum, including social autonomy, educational attainment, economic participation, political representation, personal security, and access to rights and resources. Historically, while Indian culture has often idealized women through religious symbolism and cultural narratives, these ideals have not consistently translated into equitable treatment or equal opportunity.

Extensive research on gender relations in India reveals a persistent gap between normative respect for women and the lived realities they face. Despite ancient texts venerating women as embodiments of power and intellect, patriarchal practices such as dowry, child marriage, female infanticide, and various forms of gender-based violence have significantly constrained female agency over centuries. Although many of these practices have been legally restricted, empirical evidence indicates that their social manifestations continue in direct and indirect forms. Studies show that socio-cultural norms, economic dependency, and entrenched gender biases contribute to the ongoing marginalization of women in both public and private spheres.

Contemporary India presents a complex and often contradictory landscape with regard to women's safety and empowerment. On one hand, the nation has made notable strides in legislative reforms, educational access, and workforce participation. On the other hand, national crime statistics and qualitative research highlight a troubling escalation in gender-based violence, including rape, sexual harassment, domestic violence, trafficking, acid attacks, and dowry-related deaths. Public spaces, workplaces, and even homes—traditionally considered safe environments—frequently serve as sites of vulnerability for women. This discrepancy between constitutional guarantees of equality and the practical realities of

gendered violence suggests that legal provisions alone are insufficient without broader societal transformation.

Within this context, the discourse on women's empowerment gains heightened scholarly significance. Women empowerment is conceptualized not merely as the provision of rights but as a comprehensive process that enhances women's capacity for self-determination, decision-making, and autonomous participation in socio-economic and political life. Academic literature situates empowerment within frameworks of human development, emphasizing components such as access to education, economic independence, political inclusion, bodily integrity, and the dismantling of patriarchal norms. Historically, women's exclusion from basic rights—such as property ownership, education, and political engagement—has had long-term implications for their social and economic positioning. The gradual emergence of feminist movements, legal reforms, and education-based interventions has contributed to expanding women's opportunities, yet the pace of change remains uneven across regions, classes, and communities.

Consequently, the need for women's empowerment in India continues to be both urgent and multifaceted. It requires not only policy-level interventions but also structural reforms, community engagement, and attitudinal shifts. The pursuit of gender equality is not simply a matter of social justice; it is a prerequisite for sustainable development, inclusive growth, and democratic integrity. As research consistently demonstrates, societies that invest in empowering women experience measurable gains in health outcomes, economic productivity, governance quality, and overall human development. Thus, transforming gender relations is essential to the nation's advancement and to ensuring that equality moves from theoretical principle to lived reality for every woman in the country.

### **Need for Women Empowerment**

Women empowerment is essential because gender inequality remains a significant barrier to social and economic development. In many societies, including India, women continue to face serious challenges such as honor killings, domestic violence, limited access to education, early marriage, and restricted freedom of choice. Deep-rooted patriarchal norms often deny women equal participation in decision-making, confine them to domestic roles, and undermine their personal autonomy.

Economic disparities further highlight the need for empowerment. Women frequently receive lower wages than men for the same work, face limited career growth, and lack financial independence. These inequalities not only harm individual women but also hinder national progress.

Therefore, empowering women through education, legal rights, economic opportunities, and social awareness is crucial. It enables women to protect themselves from injustice, contribute meaningfully to society, and participate equally in the nation's development.

### **How to Empower Women**

Women can be empowered effectively through coordinated efforts by individuals, communities, and the government. Ensuring universal and compulsory education for girls is a fundamental step, as education enhances awareness, confidence, and economic

independence. Women must be provided equal opportunities across all sectors and guaranteed equal pay for equal work to eliminate systemic gender bias. Ending practices such as child marriage is essential to protect girls' rights and enable them to pursue their aspirations. Additionally, skill-development programs and vocational training can equip women with the tools necessary to achieve financial stability and self-reliance.

Equally important is transforming societal attitudes. The stigma associated with divorce and domestic abuse must be challenged, as these perceptions often force women to remain in unsafe or exploitative relationships. Families and communities should support women in prioritizing their safety and dignity, reinforcing the belief that their well-being is more important than societal judgment.

### **Fundamental rights**

For the empowerment of women, many fundamental rights and provisions have been made in the Indian Constitution, which ensure gender equality.

The main fundamental rights and provisions are as follows:

- Right to Equality (Article 14): The state shall not deny to any person equality before the law or the equal protection of the laws. This provision ensures equal opportunities for women in all spheres.
- Right against discrimination (Article 15): The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- Article 15(3): The state shall not be prevented from making any special provisions for women and children. This empowers the state to take affirmative measures for their welfare, such as maternity leave and reservations in local bodies.
- Equality of opportunity in public employment (Article 16): There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State, and there shall be no discrimination on the basis of sex.
- Protection of life and personal liberty (Article 21): No person shall be deprived of his or her life or personal liberty except according to procedure established by law. This includes the right to live with dignity and the right to be free from sexual harassment.
- Prohibition of human trafficking and forced labour (Article 23): Prohibits human trafficking and forced labour, addressing issues that disproportionately affect women and girls.
- Apart from these fundamental rights, Directive Principles of State Policy and Fundamental Duties also play an important role in women empowerment:
- Article 39(a): The State shall direct its policy towards securing for men and women equally the right to an adequate means of livelihood.
- Article 39(d): To ensure equal pay for equal work for both men and women.
- Article 42: The State shall make provision for just and humane conditions of work and for maternity relief.
- Article 51A(e): It is the duty of every citizen of India to abandon practices which are derogatory to the dignity of women.

These constitutional provisions provide a strong framework to empower women, protect them from discrimination and provide them equal opportunities in society.

### **Denial of Seniority promotion on Ground of Sex**

Denying a seniority promotion on the ground of sex is unconstitutional and illegal in India. The Indian Constitution guarantees equality of opportunity in public employment and prohibits discrimination based solely on sex.

Discrimination in promotion based on sex violates Articles 14, 15, and 16 of the Constitution of India, which cover equality before the law, prohibition of discrimination, and equality of opportunity in public employment. While there is no fundamental "right to promotion," individuals have a fundamental "right to be considered for promotion" equally based on merit and seniority. Courts have deemed rules based on gender stereotypes about women's capabilities as discriminatory and invalid. Denying promotion or seniority due to pregnancy is considered sex discrimination and a violation of the right to life under Article 21.

In *C.B. Muthamma v. Union of India* (1979), the Supreme Court addressed gender discrimination in service rules and struck down biased provisions.

A 2025 Rajasthan High Court judgment found denial of promotion to a female lecturer based on separate male/female cadres to be a violation of her rights, directing her promotion and benefits.

A 2015 Delhi High Court ruling stated that inability to attend a promotional course due to pregnancy could not justify denying seniority, ordering the restoration of seniority and benefits.

Gender equality becomes elusive in the absence of right to live with dignity

### **The Immoral Traffic Act, 1956 and the Indian Constitution**

The Immoral Traffic (Prevention) Act, 1956, is a law that prohibits commercial sexual exploitation and trafficking in India, and its objectives are supported by the Indian Constitution's Article 23, which bans "traffic in human beings". The Act, initially called the Suppression of Immoral Traffic in Women and Girls Act (SITA), aims to prevent the running of brothels, living off the earnings of prostitution, and rescuing and rehabilitating victims, though it has been criticized for not penalizing clients. The Act's constitutionality is derived from the fundamental right against exploitation outlined in Article 23.

### **The Immoral Traffic (Prevention) Act, 1956**

**Purpose:** To prevent commercial sexual exploitation and human trafficking, although it does not make individual sex work illegal.

#### **Key Provisions**

- Criminalizes keeping a brothel or allowing premises to be used as one.
- Prohibits living off the earnings of prostitutes.
- Outlaws procuring or inducing people into prostitution.
- Mandates the rescue and rehabilitation of victims.

### **Directive Principles of State Policy**

Directive Principles of State Policy (DPSP) are guidelines for the Indian government, found in Part IV of the Constitution, to promote social and economic justice and create a welfare state. Although they are not legally enforceable in court like Fundamental Rights, they are considered fundamental to the governance of the country and must be applied by the state when making laws. They aim to establish social and economic democracy by directing the state to ensure a just distribution of wealth, provide for citizens' basic needs like livelihood and education, and protect vulnerable groups and the environment.

#### **Article: 39 certain principles of policy to be followed by the state**

Article 39 of the Indian Constitution outlines several principles of policy that the State must follow, including the right to adequate means of livelihood for all citizens, distribution of material resources for the common good, prevention of wealth concentration, equal pay for equal work for men and women, and protection of the health and strength of workers and children. The State should also ensure children have opportunities for a healthy development and are protected from exploitation and abandonment.

#### **Key principles of Article 39**

**Right to livelihood:** The State shall ensure that all citizens, both men and women, have the right to an adequate means of livelihood.

- **Distribution of resources:** The ownership and control of the community's material resources should be distributed to serve the common good.
- **Prevention of wealth concentration:** The economic system should not result in the concentration of wealth and means of production to the detriment of the public.
- **Equal pay:** Men and women must receive equal pay for equal work.
- **Protection of workers:** The health and strength of workers, men and women, should not be abused. Citizens should not be forced by economic necessity into jobs unsuited to their age or strength.
- **Child welfare:** Children should be given opportunities and facilities for healthy development in a free and dignified environment. They must also be protected from exploitation and from being abandoned or neglected.

### **Fundamental Duties**

The fundamental duty most directly related to women's empowerment is Article 51A(e) of the Indian Constitution, which states it is the duty of every citizen to "renounce practices derogatory to the dignity of women". This is complemented by the fundamental duty of parents to provide educational opportunities for children, which is crucial for empowering girls.

**Renounce practices derogatory to women:** Article 51A(e) requires every citizen to actively abandon customs and behaviours that demean or disrespect women. This is a moral and social obligation that helps combat harmful practices like gender-based violence, workplace harassment, and everyday sexism.

**Provide educational opportunities:** Article 51A also mandates that it is the duty of every parent or guardian to provide opportunities for education for their children between the ages of six and fourteen. This is essential for women's empowerment, as education is a key factor in achieving gender equality and raising women's status.

73rd and 74th Constitutional Amendment Act reserved 1/3rd seats in Panchayat and Urban Local Bodies for women.

**Article: 243 D Reservation of seats. (73rd Amendment -w.e.f. 1-6-1993)**

- Seats shall be reserved for
- The Scheduled Castes; and (b) the Scheduled Tribes.

In every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

- Not less than one-third of the total number of seats reserved under clause Shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.
- 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 shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.
- The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons. reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this. clause shall be allotted by rotation to different Panchayats at each level.

- The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.
- Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats. at any level in favour of backward class of citizens.

**Safeguards for Women in India**

India has enacted a wide range of constitutional, legal, and social legislations to safeguard the rights, dignity, health, and welfare of women. These laws address issues related to employment, marriage, health, property rights, safety, and social justice, ensuring women's protection in both public and private spheres. The Employees' State Insurance Act, 1948

provides medical care and social security to women workers earning up to ₹21,000 per month. It covers sickness, maternity, disablement, employment injury, and death benefits, along with medical treatment and funeral expenses, benefiting both the insured woman and her dependents. The Factories Act, 1948 ensures safe and humane working conditions by regulating working hours, health, welfare, and safety. It mandates separate sanitation facilities for women, crèches where more than 30 women are employed, and restricts night work for women except under special conditions. Marriage-related safeguards are ensured through laws such as the Special Marriage Act, 1954, which allows inter-faith and inter-caste marriages, provides for registration, and enables divorce. The Hindu Marriage Act, 1955 lays down conditions for a valid marriage, including monogamy, sound mind, legal age, and prohibited degrees of relationship. To curb social evils, the Dowry Prohibition Act, 1961 penalizes both giving and taking of dowry.

The Maternity Benefit Act, 1961 (amended in 2017) grants paid maternity leave, nursing breaks, and medical benefits to working women. The Medical Termination of Pregnancy Act, 1971 ensures safe and legal abortion services to reduce maternal mortality. Economic equality is promoted through the Equal Remuneration Act, 1976, which mandates equal pay for equal work. The Family Courts Act, 1984 and Indian Divorce Act, 1969 provide speedy resolution of family disputes in a sensitive environment. Laws such as the Immoral Traffic (Prevention) Act, 1986, Indecent Representation of Women Act, 1986, and Commission of Sati (Prevention) Act, 1987 protect women from exploitation, abuse, and harmful practices. Institutional support is strengthened through the National Commission for Women Act, 1990. Further safeguards include the PCPNDT Act, 2003 to prevent female foeticide, the Hindu Succession (Amendment) Act, 2005 granting daughters equal inheritance rights, the Protection of Women from Domestic Violence Act, 2005, the Prohibition of Child Marriage Act, 2006, and the Sexual Harassment of Women at Workplace Act, 2013, which ensures a safe and dignified working environment. Together, these laws form a comprehensive framework for the protection and empowerment of women in India.

**Some other acts which have special provisions to safeguard for women & their interests are:**

- The Employees State Insurance Act, 1948
- The Plantation Labour Act, 1951
- The Family Courts Act, 1954
- The Special Marriage Act, 1954
- The Hindu Marriage Act, 1955
- The Hindu Succession Act, 1956 with amendment in 2005
- The Prohibition of Child Marriage Act, 2006
- The Contract Labour (Regulation and Abolition) Act, 1976

#### **Recent Schemes for Women Empowerment**

National Commission for Women in January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to

suggest amendments. wherever necessary, etc. The National Commission for Women has in the last few years introduced several new bills in the parliament from time to time towards eradication of many social evils. Some of the significant enactments are mentioned here

- Beti Bachao Beti Padhao Scheme
- One Stop Centre Scheme
- Women Helpline Scheme
- Working Women Hostel
- Pradhan Mantri Matru Vandana Yojana Scheme
- Swadhar Greh (A Scheme for Women in Difficult Circumstances)
- Support to Training and Employment Programme for Women (STEP)
- Mahila Shakti Kendras (MSK)
- Nirbhaya Fund
- Mahila police Volunteers

### **Conclusion**

The constitutional and legal framework for women empowerment in India reflects a strong commitment to gender equality, dignity, and social justice. From the very inception of the Constitution, the framers recognized that historical discrimination and entrenched patriarchal structures had placed women at a disadvantage, making it imperative for the State to adopt corrective and protective measures. Accordingly, the ideals of equality, liberty, and justice enshrined in the Preamble, along with the guarantees under Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties, collectively form a comprehensive foundation for women's empowerment. Articles 14, 15, and 16 ensure equality before law and equal opportunity, while Article 15(3) authorizes the State to adopt affirmative action in favor of women, acknowledging that formal equality alone is insufficient to achieve substantive justice.

Over the decades, these constitutional mandates have been translated into a wide range of legislative measures addressing diverse aspects of women's lives—family relations, employment, health, education, property rights, and personal security. Laws such as the Dowry Prohibition Act, the Protection of Women from Domestic Violence Act, the Hindu Succession (Amendment) Act, and the Sexual Harassment of Women at Workplace Act represent significant milestones in recognizing women as rights-bearing individuals rather than dependents within familial or social structures. Judicial interpretation has further strengthened this framework by expanding the scope of the right to life under Article 21 to include dignity, bodily autonomy, and freedom from discrimination and violence. Landmark judgments have consistently affirmed that denial of opportunities, promotions, or dignity on the basis of sex is unconstitutional and incompatible with the vision of an egalitarian society. The role of Directive Principles of State Policy and Fundamental Duties is equally crucial in shaping a gender-just social order. Provisions such as equal pay for equal work, humane conditions of employment, maternity relief, and the duty to renounce practices derogatory to the dignity of women highlight that empowerment is not solely a legal issue but also a moral and social responsibility. The 73rd and 74th Constitutional Amendments, which mandate reservation for women in local self-governance institutions, have been particularly transformative by

facilitating women's participation in grassroots democracy and decision-making processes. Despite this robust legal architecture, the persistence of gender-based violence, economic inequality, trafficking, child marriage, and discriminatory social practices reveals a significant gap between law and lived reality. Weak implementation, lack of awareness, procedural delays, and deeply rooted patriarchal attitudes continue to undermine the effectiveness of constitutional and legal safeguards. Welfare schemes and institutional mechanisms such as the National Commission for Women and various government initiatives have expanded support systems, yet their success ultimately depends on sustained political will, administrative efficiency, and societal participation.

Women empowerment in India is not merely a matter of enacting laws but of ensuring their meaningful implementation and social acceptance. True empowerment will be realized only when legal rights are complemented by education, economic independence, gender sensitization, and a collective transformation of societal attitudes. An inclusive and progressive India can emerge only when women are able to exercise their constitutional rights freely, participate equally in all spheres of life, and live with dignity, security, and self-respect. The journey toward gender justice is ongoing, demanding continuous legal reform, institutional accountability, and social commitment to uphold the constitutional promise of equality for all.

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