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Constitutional Safeguards for Women's Empowerment in India: An Analytical Study

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Abstract

Women empowerment is a crucial aspect of social justice and equity, especially in a diverse and complex society like India. The Constitution of India, which came into effect on January 26, 1950, lays the foundational framework for ensuring the rights and empowerment of women. This research article examines the constitutional provisions aimed at empowering women, analyzing their implications, successes, and challenges in the context of contemporary Indian society.

Keywords: Women Empowerment, Constitutional Provisions, Discrimination, Challenges, Equality, Implementation, Violence, Empowering Women, Judicial Activism.

Introduction

The constitutional framework for women's empowerment provides a legal basis for gender equality through fundamental rights, directive principles, and special provisions. Key articles, such as Article 14, 15, and 16, guarantee equality before the law and prohibit discrimination based on sex, while Article 15(3) explicitly allows for affirmative action in favor of women. Furthermore, provisions like Articles 243D and 243T reserve seats for women in local government, and Article 51A(e) mandates renouncing practices derogatory to women's dignity.

Constitution Framework

Fundamental Rights

- Article 14: Guarantees equality before the law and equal protection of the laws for all citizens.
- Article 15(1): Prohibits the state from discriminating against any citizen on the grounds of religion, race, caste, sex, or place of birth.
- Article 15(3): Empowers the state to make special provisions for women and children.
- Article 16(1): Ensures equality of opportunity in matters of public employment.
- Article 21: Guarantees the right to life and personal liberty, which includes dignity.

Directive Principles of State Policy

- Article 39(a): Mandates that the state shall, in particular, direct its policy towards securing that all citizens, men and women equally, have the right to an adequate means of livelihood.
- Article 39(d): States that there shall be equal pay for equal work for both men and women.
- Article 42: Directs the state to make provision for ensuring just and humane conditions of work and for maternity relief.

Fundamental Duties

- Article 51A(e): Imposes a duty on every citizen to renounce practices derogatory to the dignity of women.

Reservation in Local Bodies

Articles 243D and 243T of the Indian Constitution play a crucial role in strengthening women's participation in grassroots democracy by mandating reservation in local self-governing institutions. These provisions were introduced through the 73rd and 74th Constitutional Amendment Acts, which aimed to decentralize power and promote inclusive governance in rural and urban areas.

Article 243D pertains to Panchayats, the institutions of local governance in rural areas. It mandates that not less than one-third of the total number of seats in Panchayats at all levels—including seats reserved for Scheduled Castes and Scheduled Tribes—shall be reserved for women. Additionally, one-third of the offices of Chairpersons in Panchayats are also reserved for women. These reservations rotate among different constituencies, ensuring that women from diverse social and geographical backgrounds have the opportunity to participate in local governance.

Similarly, Article 243T applies to Municipalities, which govern urban areas. It provides for the reservation of at least one-third of the total seats for women in Municipal Corporations, Municipal Councils, and Nagar Panchayats. This article also mandates the reservation of one-third of the offices of Chairpersons in Municipalities for women, with provisions for rotation among different municipalities.

Together, Articles 243D and 243T have significantly enhanced women's representation in local self-government institutions across India. By ensuring a minimum level of participation, these constitutional provisions have empowered women to take part in decision-making processes, address local issues, and influence policies affecting their communities. They have also contributed to changing traditional gender roles, promoting political awareness among women, and strengthening democratic governance at the grassroots level.

Article 15 (3): Empowers the state to make provisions for women, allowing for special initiatives and programs aimed at enhancing women's status in society.

Women's Safety, Protection and Empowerment

Women's safety, protection, and empowerment are fundamental to building an inclusive, just, and progressive society. A nation cannot achieve holistic development if half of

its population lives in fear, insecurity, or systemic disadvantage. Ensuring women's safety is not only a matter of law and order but also a prerequisite for empowerment, dignity, and equal participation in social, economic, and political life. Safety and empowerment are deeply interconnected: when women feel safe and protected, they are more likely to access education, employment, healthcare, and leadership opportunities. Women's safety primarily refers to protection from violence, discrimination, exploitation, and abuse—whether physical, emotional, sexual, or economic. Globally and in India, women continue to face challenges such as domestic violence, sexual harassment, trafficking, honor-based crimes, and cyber abuse. These threats often restrict women's mobility, choices, and freedom. Fear of violence can force women to withdraw from public spaces, limit educational aspirations, or abandon career opportunities. Therefore, safety is not merely about preventing crime but about creating an environment where women can live without fear and with full autonomy.

Legal frameworks play a crucial role in ensuring women's protection. In India, the Constitution guarantees equality, non-discrimination, and the right to life and personal liberty. Several laws have been enacted to safeguard women, such as laws against domestic violence, sexual harassment at the workplace, dowry, child marriage, and trafficking. These legal measures reflect the state's commitment to women's rights. However, effective implementation remains a challenge due to lack of awareness, social stigma, delayed justice, and inadequate institutional support. Strengthening law enforcement, fast-track courts, and victim-friendly procedures is essential to make these laws meaningful in practice. Beyond legal protection, social attitudes and cultural norms significantly influence women's safety. Patriarchal mindsets often normalize violence and control over women, blaming victims rather than perpetrators. Such attitudes discourage women from reporting crimes and seeking justice. Addressing these deep-rooted norms requires sustained social reform through education, community engagement, and media responsibility. Sensitization programs for men and boys are particularly important, as gender equality cannot be achieved without transforming male attitudes toward respect, consent, and shared responsibility.

Women's empowerment goes hand in hand with safety. Empowerment refers to the process by which women gain control over their lives, access opportunities, and participate equally in decision-making. Education is one of the most powerful tools of empowerment. Educated women are more aware of their rights, better equipped to protect themselves, and more capable of challenging injustice. Education also enhances self-confidence and economic independence, reducing vulnerability to exploitation and abuse.

Economic empowerment is another critical dimension. Financially independent women are better positioned to escape abusive environments and assert their choices. Access to employment, equal wages, skill development, and entrepreneurship opportunities strengthens women's agency. Government initiatives, self-help groups, microfinance programs, and skill-training schemes have contributed significantly to women's economic participation. However, barriers such as unequal pay, informal employment, and unpaid care work continue to limit women's economic security. Addressing these issues is essential for sustainable empowerment. Political empowerment and leadership also enhance women's safety and protection. When women participate in governance and decision-making, policies are more likely to reflect their needs and concerns. Women leaders often prioritize issues such as

healthcare, education, sanitation, and violence prevention. Reservation of seats for women in local governance has increased their visibility and voice, though meaningful participation still requires capacity-building and social acceptance.

Technology has emerged as both a challenge and a tool in women's safety and empowerment. While digital spaces have created new forms of harassment and cybercrime, they have also enabled access to information, support networks, and safety tools such as helplines, mobile apps, and online reporting mechanisms. Digital literacy and strong cyber laws are essential to ensure that technology empowers rather than endangers women.

Ultimately, women's safety, protection, and empowerment are collective responsibilities. Governments must ensure strong laws and institutions; communities must challenge discriminatory norms; educational systems must promote gender equality; and individuals must practice respect and accountability. Empowerment is not about privileging women over men but about creating equal opportunities and shared dignity.

Specific Laws for women Empowerment in India

Here is the list of some specific laws which were enacted by the Parliament in order to fulfil Constitutional obligation of women empowerment:

- The Equal Remuneration Act, 1976.
- The Dowry Prohibition Act, 1961.
- The Immoral Traffic (Prevention) Act, 1956.
- The Maternity Benefit Act, 1961.
- The Medical termination of Pregnancy Act. 1971.
- The Commission of Sati (Prevention) Act, 1987.
- The Prohibition of Child Marriage Act, 2006
- The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.

The Sexual Harassment of Women at Work Place (Prevention, Protection and) Act. 2013. Above mentioned and several other laws are there which not only provide specific legal rights to women but also gives them a sense of security and empowerment.

Judicial Oversight and Interpretations

The Indian judiciary empowers women through judicial oversight and interpretations that uphold constitutional rights like equality and dignity, interpret laws to ensure justice in areas like domestic violence, and take an active role in abolishing discriminatory practices. Landmark judgments have affirmed women's rights to safety, freedom, and reproductive autonomy, and the courts have addressed issues from equal pay to workplace harassment, promoting women's socio-economic empowerment.

- **Constitutional rights:** The judiciary has strengthened constitutional provisions like Articles 14, 15, 19, and 21 to ensure women's rights to safety, freedom, dignity, and equality.
- **Abolishing discrimination:** Courts have consistently struck down discriminatory laws and practices, and interpreted existing laws to ensure they are applied fairly.

- **Judicial activism:** The judiciary has taken an active role through "judicial activism" to interpret laws, issue directives, and provide relief where legislative action was insufficient.
- **Evolving from traditional approach:** The judiciary has shifted from a traditional legalistic approach to one based on principles of dignity, independence, and equality.

Specific areas of Impact

- **Domestic violence and safety:** The judiciary has issued directives to ensure the safety and privacy of women, including ensuring proper interrogation procedures for female suspects and providing legal aid.
- **Employment and financial rights:** The courts have ruled for equal pay for equal work, against gender bias, and to protect against workplace harassment. A key example is the Supreme Court upholding a woman's right to marry and to be pregnant, striking down a regulation for early retirement of air hostesses.
- **Guardianship and family law:** Landmark cases have reinterpreted laws to grant equal guardianship status to mothers alongside fathers, challenging traditional notions.
- **Reproductive rights:** The judiciary has played a crucial role in protecting women's reproductive rights through interpretations of laws like the Medical Termination of Pregnancy Act.

Limitations and ongoing challenges

Representation: While progress has been made, representation of women in the judiciary, particularly at the highest levels, remains a challenge, though there is a growing push for more women in the judiciary.

- **Implementation:** While laws and judicial pronouncements are vital, their effective implementation on the ground remains an ongoing challenge in many areas.

Vishaka v. State of Rajasthan (1997)

Vishaka v. State of Rajasthan was a landmark 1997 case in which the Supreme Court issued guidelines for the prevention of sexual harassment at the workplace. This case arose after the gang rape of a woman named Bhanwari Devi, who was denied justice. This public interest litigation led the Court to order the establishment of a mechanism to prevent and address sexual harassment at the workplace, which ultimately formed the basis for the Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act, 2013 in India.

Crucial Details

- **Background:** The case came to light in 1992 after the gang rape of Bhanwari Devi, a woman who tried to stop a child marriage in Rajasthan.
- **Petition:** Following the incident, women's groups and organisations, such as those led by Vishakha, filed a public interest litigation in the Supreme Court to protect the fundamental rights of women at the workplace.

Judicial Verdict

The Court held that sexual harassment is a violation of fundamental rights guaranteed under Articles 14, 19 and 21 of the Constitution.

Since no specific law existed, the Court issued the 'Vishaka Guidelines' by resorting to international treaties.

- **Vishaka Guidelines:** These guidelines contained detailed procedures and a mechanism to prevent sexual harassment at the workplace, including the duties of the employer, the formation of a grievance committee, and making employees aware of their rights.
- **Legal impact:** The Vishaka Guidelines played a key role in establishing a legal framework against sexual harassment at the workplace in India. As a result, in 2013, Parliament passed the Sexual Harassment (Prevention, Prohibition and Redressal at Workplace) Act, 2013, which is based on these guidelines.

Shayara Bano v. Union of India (2017)

The Shayara Bano v. Union of India (2017) case was a landmark Supreme Court decision that declared the practice of triple talaq (talaq-e-biddat) unconstitutional. The Court ruled by a majority that the practice violates fundamental rights under Articles 14 and 15 of the Indian Constitution and is not an essential religious practice of Islam. Following this decision, Parliament passed the Muslim Women (Protection of Rights on Marriage) Act, 2019, which made triple talaq a punishable offense.

Core facts of the case

Court's decision: In 2017, a five-judge Constitution bench (3:2) by a majority of 50 held triple talaq unconstitutional.

Grounds for the judgement:

The Court held that the practice was manifestly arbitrary and violated the right to gender equality.

The Court also found that triple talaq was not in accordance with the Quran and Article 25 could not be protected as an essential religious practice under the Article.

Implementation Outcome of the Act

Following the Supreme Court's ruling, the Indian government enacted a new law in 2019 that made triple talaq a crime, punishable by up to 12 years in prison for the husband.

Impact

This decision is considered an important victory towards gender justice and reform of personal laws.

This showed that no custom or tradition can be above the Constitution.

Challenges and Limitations

Challenges to women's empowerment in India include ingrained societal issues like gender discrimination, harmful practices such as child marriage and dowry, and violence against women. Limitations also exist in education and economic participation, with women facing a lack of quality education, unequal pay, limited career growth, and inadequate access to employment. Other obstacles involve poor health and nutrition, low political representation, and the burden of unpaid care work.

Societal and Cultural Challenges

- **Gender Discrimination:** Deep-seated bias sees women as inferior, restricting their social and personal freedoms.
- **Harmful Practices:** Despite being illegal, practices like child marriage, dowry, and female infanticide/selective abortion persist, particularly in rural areas.

Violence Against Women

Domestic violence, sexual harassment, and other forms of violence are widespread and affect women across all social strata.

- **Low social status:** Many women are considered lesser than men and have limited decision-making power within their families.

Economic and Employment Challenges

- **Unequal pay and opportunities:** Women often receive lower pay than men and have fewer opportunities for career advancement and leadership roles.
- **Unpaid care work:** The burden of domestic duties and childcare is disproportionately placed on women, limiting their time and energy for education or employment.
- **Lack of access to resources:** Many women lack control over property and finances, and are restricted in their ability to own land or inherit property.
- **Poor working conditions:** Women who do work may face poor working conditions, lack of job security, and exploitation.

Education and Health Challenges

- **Disparities in education:** Girls face barriers to accessing quality education, and are often the first to be pulled out of school due to financial constraints.
- **Inadequate nutrition and healthcare:** Women, particularly those in marginalized communities, often face neglect in terms of health and nutrition, which impacts their overall well-being and ability to thrive.

Political and representation challenges

- **Low political representation:** Women are significantly underrepresented in positions of political power, which limits their ability to influence policy and decision-making.
- **Lack of safe spaces:** Limited access to safe public spaces and childcare facilities further hinders women's mobility and participation in public life.

Conclusion

The Constitutional provisions for women in India are a reflection of the nation's commitment to gender equality and women's empowerment. By guaranteeing fundamental rights, promoting economic justice and ensuring participation in local governance, the Constitution lays down a comprehensive framework for advancing the rights and interests of women. While significant progress has been made, the journey towards full gender equality continues. It is imperative for the State, civil society and individuals to work collaboratively to realise the constitutional vision of a society where women can live with dignity, equality and freedom.

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