

## CONSTITUTIONAL AND LEGAL RIGHTS OF EMPOWERING WOMEN IN INDIA: A STUDY

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### ABSTRACT

*The principle of gender equality is enshrined in the Constitution of India in its preamble, fundamental rights, fundamental duties and commanding principles. The Constitution not only ensures equality for women, but also empowers the state to take positive discriminatory measures against women. However, in the domain of women's human rights in India, there is a wide gap between ideology and practice. Indian society is a male-dominated society where man is always superior to society. In India, women often face discrimination, injustice and humiliation. Although women have more rights than men in India, the situation of women in India is very miserable. This article will shed light on the constitutional and legal rights of women in India.*

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**Keywords:** *Fundamental Rights, Empowering Women, Male-Dominated Society, Legal Rights.*

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### Introduction

Legally, a woman is known as a woman after her childhood and adolescence, meaning that a woman is a woman after crossing adolescently. The Government of India has enacted various laws to give equal status to women in our country and has protected their lives from various acts of violence and crime. The Constitution of India provides basic rights and basic responsibilities to the citizens of India. Every citizen of this country has the right to equal rights and duties. The Constitution of India guarantees equality of all Indian women {Article 14}, any discrimination by the state {Article 15 (1)}, equality of opportunity {Article 16}, and equal pay for equal work {Article 39 (d)}. In addition, allow special orders by the state regarding women and children; {Article 15 (3)}, Women's Dignity {Article 51 (A) (e)} only to work and protect human affairs and maternity issues can be made by state {Article 42}. Returning to the history of our country, we can already find the plight of women of the past. According to studies, women had equal status and authority during the ancient and early Vedic periods. However, the status of Indian women in society deteriorated in the Middle Ages when in some communities in India the ban on child marriage and remarriage by widows became part of social life. During the British rule, many reformists fought for the betterment of women. Women played their part in India's struggle for independence. The position of women is better than the British state in India, women are now fully involved in education, sports, politics, media, arts and culture, the service sector, science and technology. Indira Gandhi, who served as the Prime Minister of India for a full fifteen years, is the longest serving Prime Minister in the world. The Government of India has made many arrangements for the benefit of women.

### Objectives

- To study the Education and women's empowerment
- To study the Legal Status of a Woman
- To study the Women's Economic, Social and Cultural rights

### Research Methodology

Several studies and documents have been reviewed and analysed. This is a detailed written paper; this study was developed with the help of secondary data. The main sources of secondary data have been collected from books, magazines, and research articles, and annual reports of online and various online sites that provide relevant information on the study.

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### Education and Women Empowerment

There are two main fundamental functions for working in social studies. While one is concerned with the preservation and transfer of the values of a society, the other is concerned with the formation or change of new values at this time. Both of these functions have special powers that enable women. These two faces face opposition that they are opposing each other, but in reality, they should be equal to each other and bring a balance between the two that promote human development. Because education is the most powerful tool for valuable care and valuable change, women can play the most effective role in women's empowerment. Hourly need is a strong system of fund-based education that follows the principles of equality, ethics and empowerment. Women still do not have adequate 'quantitative' and 'qualitative' representation in education. In education, women do not need to occupy more vacancies, but more meaningful positions. If we are really committed to creating an environment that is right for women.

Education is a powerful tool for the salvation and empowerment of women. It is important that education not only forces women to learn more about their home and the outside world, but also that they cope with situations, positive self-esteem, and self-confidence, life's challenges and these challenges who are needed. It helps to gain inner strength to do this. Obviously, it also gives them the ability to acquisition jobs and meets family income and social status. As a tool for developing sustainable population control strategies, women's education in particular has a huge impact on health and nutrition. In addition, educated women can play a significant role in the form of men. That is why no one denies that education empowers women.

### Constitutional and Legal Provisions for Women

The principle of gender equality is protected in the Constitution of India in its Preamble, fundamental rights, fundamental duties and principles of supervision. The Constitution not only offers equality to women, but also empowers the state to take positive discriminatory measures against women. Within the framework of a democratic republic, our laws, development policies, plans and programs aim at the advancement of women in a variety of ways. India has also ratified a number of international conventions and human rights instruments to achieve equal rights for women. Significantly, the 1993 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified.

The Constitution of India not only provides equality to women but also empowers the state to take positive discriminatory measures in favour of women in order to address the socio-economic, educational and political disadvantages they face. Ensure equal protection of fundamental rights, among others, by law; Eliminates discrimination against any citizen on the basis of religion, race, caste, sex or place of birth, and guarantees equal opportunities to all citizens in matters relating to employment. Articles 14, 15, 15 (3), 16, 39 (a), 39 (b), 39 (c) and 42 of the Constitution are of special importance in this regard.

Women in India are being provided with legal protection to protect economic, social and cultural life. These are a few tasks that show Indian efforts in the interest of protecting women's lives:

The Family Courts Act, 1954	The Maternity Benefit Act, 1961 (Amended in 1995)	The Prohibition of Child Marriage Act, 2006
The Special Marriage Act, 1954	Dowry Prohibition Act, 1961	The Criminal Law (Amendment) Act, 1983
The Hindu Marriage Act, 1955	The Medical Termination of Pregnancy Act, 1971	Indecent Representation of Women (Prohibition) Act, 1986
The Hindu Succession Act, 1956 with amendment in 2005	The Contract Labour (Regulation and Abolition) Act, 1976	Commission of Sati (Prevention) Act, 1987
Immoral Traffic (Prevention) Act, 1956	The Equal Remuneration Act, 1976	The Protection of Women from Domestic Violence Act, 2005

It is important that women read newspapers and magazines to remain politically and socially alive. It is equally important that we read the Constitution of India. We do not know whether we are really women or not. This identity is a construct endowed on us. Being woman is the path to becoming you. And the book that can truly empower us in that becoming is the Constitution of India. We need to read the Constitution to be aware of what it means to be an individual. We are all individuals. And an understanding of the Constitution of India can ensure that we do not violate the rights of other individuals and that our rights as individuals are not violated. When we read the Constitution systematically, it would get ingrained in our very being. It would help us shed the very many layers of the skin of subordination that enveloped us and continue to envelop us as we live the lives of women.

### **Economic, Social and Cultural Rights of Women**

The movement of women's economic, social and cultural rights (ESCR) as a real human right is emerging only in India. The aim of the movement is to find women's rights within the larger framework of human rights, and in this way only women's problems run away from the problem of violence and reproductive rights. ESCR tries to make efforts to face women, poverty, housing, unemployment, education, water, food security, trade etc. While globally, human rights movement is at large at the level of ESCR world. In Indian context, the purpose of projects on women's economic, social and cultural women's rights in India aim to equality in every sector of women's life. Women's economic opportunities in India have a rapidly changing landscape, because women are not less than any man in every field, whether they are organized or unorganized. Women need exhibit in unorganized sector.

### **Conclusion**

Historically and elsewhere in India, there has always been a debate on the status of women. World history has been one-sided in its development of human rights. History has always given the prime importance to man and his existence and never gave him a chance to think about women's rights. The relationship between state rights and human rights dominated the historical process for women without any participation in the above concept. Recently, the concept of women's rights has made its mark on the global horizon, and is working to protect women globally through the protection of women's rights. Modern states have made great efforts to empower women through legislation, but perhaps the clear concept of women was not seen until those days. Despite the lack of protection for women's rights, rights are still permanently addressed at various levels, but as I shed light on the history of human rights, I lose the sense that human nature is fully empowered. It needs to be made so that the protection of women's rights becomes useless state and global level.

### **References**

- ✓ Dr. Sneha Gopeekrishna, Ms. Prathibha.P, Dr. Reenu George, Dr. Binu Ann Kuriachan and Mr. Limas Thomas (2020), Women Empowerment Issues, Prospects and Challenges, Swaranjali Publication Pvt. Ltd.
- ✓ Afsana A. Sama (2017), Women Empowerment: Issues and Challenges, The International Journal of Indian Psychology
- ✓ L. Prathiba (2017), A Study on Issues and Challenges of Women Empowerment in India, Global Journal for Research Analysis
- ✓ Tauffiqu Ahamad and Anil Kumar Mishra (2016), Legal status and rights of women in Indian constitution, International Journal of Advanced Education and Research
- ✓ Lalit Mohan Choudhary (2016), Women Empowerment in India: Issues and Challenges
- ✓ Women Security and Legal Safeguards in India: Journal of Business Management & Social Sciences Research (JBM&SSR), (2013)
- ✓ Laxmikant.M (2013), Indian Polity, New Delhi
- ✓ Dr. JN Pandey (2011), The Constitutional Law of India: Universal's Criminal Manual
- ✓ Liya Levin (2010), Human Rights, New Delhi.

