

Constitutional Rights of Women in Indian Constitution

Dr. Shalini Sharma Assistant Professor

Department of Political Science JECRC University, Jaipur, Rajasthan Email ID-
drshalini.ali@gmail.com

Abstract-

The Constitution of India guarantees the rights to women. They are indispensable for the society. The purpose of this paper is to study and understand the women's rights in Indian constitution. Unfortunately, many women in India are not aware of their rights which are provided in different Indian laws. This article elaborates the constitutional Rights and Legal Rights of Women.

Though the position of women has developed in the last four decades, however still they are struggling to maintain their freedom and dignity. Presently Indian women are suffering from the toughest time physically and mentally, mainly due to unawareness and lack of information on legal and constitutional woman rights in India. Indian Constitution not only guarantees the rights of women but also empowers the state to take affirmative action on the behalf of Women. This article talks about the diagramming about the constitutional rights of women. The Constitution provides many protection women rights such as Protective discrimination in favour of women, Right of women against exploitation, Rights of women under directives, Right to freedom of women and political representations of women.

Keywords- women, exploitation, empowerment, constitutional rights, legal rights

Introduction- The Constitution of India grants rights to men and women both equally. Fundamental Rights ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on the basis of 5 grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment.

The Rights available to Women can be divided into two categories, namely as Constitutional Rights and Legal Rights.

Constitutional Rights to Women- In Indian Constitution, the rights are enshrined for Women. These rights are listed below-

1. (Article 14) Equality before law for women.

According to Article 14, The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

2. (Article 15) Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

(Article 15(1)) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, or place of birth or any of them.

(Article 15(3)) The State to make any special provision in favour of women and children.

3. (Article 16) Equality of opportunity in matters of public employment.

(Article 16(1)) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

4. (Article 19) Protection of certain rights regarding “Freedom” of speech, etc.

(Article 19(1)(a)) states that, all citizens shall have the right to freedom of speech and expression.

5. (Article 21) Protection of life and personal liberty.

No person shall be deprived of his life or personal liberty except according to procedure established by law.

6. (Article 39) Certain principles of policy to be followed by the state

(Article 39(a)) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.

(Article 39(d)) directs the state to secure equal pay for equal work for both men and women.

7. (Article 39 A) The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

8. Article 42 of the Constitution incorporates a very important provision for the benefit of women. It directs the State to make provision for securing just and humane conditions of work and for maternity relief.

9. **(Article 51(A) (e))** is related to women. It states that;
It shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religion, linguistic, regional or sectional diversities; to renounce practices derogatory to the dignity of women.

10. Article 243 D: Reservation of seats.

(Article 243 D(1)) Seats shall be reserved for –

(a) The Scheduled Castes; and

(b) The Scheduled Tribes,

(Article 243 D(2)) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled tribes .

(Article 243 D(3)) 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 to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat.

(Article 243 D (4)) Not less than one- third of the total number of offices of Chairpersons in the Panchayat at each level to be reserved for women.

11. Article 243 T: Reservation of seats

(Article 243 T (3)) 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 Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality.

(Article 243 T (4)) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide.

Legal Rights to Women-

- Indian Divorce Act (1869)
- Indian Evidence Act (1872)
- Legal Practitioners (Women) Act (1923)
- Employees' State Insurance Act (1948)
- Plantation Labour Act (1951)
- Indian Succession Act (1925)
- Parsi Marriage and Divorce Act (1936)
- The Special Marriage Act, 1954
- The Hindu Marriage Act, 1955
- Hindu Adoptions and Maintenance Act (1956).
- The Maternity Benefit Act, 1961 (Amended in 1995)
- Dowry Prohibition Act, 1961
- Foreign Marriage Act (1969)
- The Medical Termination of Pregnancy Act, 1971
- The Equal Remuneration Act, 1976
- The Criminal Law (Amendment) Act, 1983
- Indecent Representation of Women (Prohibition) Act, 1986
- Commission of Sati (Prevention) Act, 1987
- National Commission for Women Act (1990)
- The Protection of Women from Domestic Violence Act, 2005
- The Prohibition of Child Marriage Act, 2006
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal). Act (2013)

Conclusion- All these rights are safeguards for women and every women must be aware about their Rights. The Indian Constitution grants women the same Rights as men.

References:

1. IOSR Journal of Business and Management - A Study on Issues and Challenges of Women Empowerment in India – By Dr. (Smt.) Rajeshwari M. Shettar
2. Indiacelebrating.com – Article on Women empowerment- Winds of change
3. Times of India- By Mita Kapur, Founder, curator and producer of Woman Up! Summit
4. Legal service India-Women empowerment: With Special Reference to Constitutional Provisions- By aniketsmls
5. Constitution of India – Gopal Sankaranarayanan

End-Notes:

1. Times of India- By Mita Kapur, Founder, curator and producer of Woman Up! Summit