



Legal Provisions and Constitutional Rights for Women's: A Review

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Abstract:

The Indian Constitution's protection of women's legal and constitutional rights has been reviewed in this research article. It is considered that women gave birth to human civilization and development. They play a big and important part in society. They play a crucial role in every household. They ought to be protected and appreciated as a result. In other words, their influence on the family and the neighborhood cannot be minimized or even considered. Women's rights can also be referred to as "women's human rights," which highlights the inclusiveness and inalienability of all human rights and its full application to women in relation to persons. It paints a fair image of Indian women and their rights when we split the privilege of women with a special reference to the Indian context. By concentrating on numerous crimes against women, this study illuminates the human rights of women in India and how those rights are being violated.

Key Words: Women, Development, Empowerment, Rights, Constitution, Laws.

Introduction:

The Indian Constitution's preamble, basic rights, fundamental duties, and directive principles all explicitly state the importance of gender equality. In addition to guaranteeing women's equality, the Constitution grants the state the authority to take proactive measures to eliminate discrimination against women. Our laws, development strategies, plans, and programmes are focused on advancing women in many professions within the framework of democratic governance. In order to support the equal rights of women, India has ratified a number of international agreements and human rights instruments. The ratification of the Convention on the Elimination of All Forms of Discrimination (CEDAW) in 1993 was prominent among them.

Objective of the Study:

The paper is conducted to the following objectives:

To understanding the concept of Constitution and Rights.

To find out the legal provision for women.

To study the constitutional provision for women.

Methodology:

In this paper the research is based on secondary data. The data is taken from different research reports, journals, websites and research papers, Magazine and daily News papers, and other educational text books.

Constitution:

Identify the fundamental principles that underpin an organization or nation state's idea, character, and organisational structure. It generally takes the shape of a brief general format paper and contains the goals and principles of both its authors and subjects. By the US and Indian Constitutions, the ancient (1787) written National Constitution is the biggest written structure in the world. A country's or an organization's constitution is a set of laws outlining the rights and responsibilities of the populace.

What are Rights?

Without rights, none of us can live up to our highest aspirations in social interactions. These are necessary elements for both the person and his society to be healthy. People can only develop their personalities and provide the

finest services to society when they have rights and are having fun. Simply expressed, rights are the fundamental freedoms that all civil societies acknowledge as necessary for their growth and that the state upholds in order to protect them.

1. "Rights are those social life requirements without which no one can generally attempt to be himself at his best." -Laski

2. "Rights are nothing more nor less than the social circumstances required for or conducive to personality development" Béni Prasad

Nature of Rights:

1. Only in society do rights exist. These are the outcomes of social interaction.

2. Rights are individual demands for advancement in society.

3. The society acknowledges rights as universal claims made by all individuals.

4. People's claims of rights against their society are moral and logical arguments.

5. Rights cannot be used against society since they exist only inside it.

6. People should use their rights for their own growth, which essentially means for the development of society as a whole via the advancement of social justice. Rights may never be used against the interests of society.

7. Everyone has the same access to rights.

8. As time goes on, the content of rights is always evolving.

9. Rights do not always apply. These are always subject to restrictions judged necessary to preserve public decency, security, and health.

10. Only once rights are enforced can the public actually use them. The state's laws serve to safeguard and uphold these. A state has an obligation to defend the rights of its citizens.

Constitutional Rules

In addition to guaranteeing women's equality, the Indian Constitution grants the State the authority to take positive discriminatory actions in favour of women in order to counteract the accumulated social, educational, and political disadvantages they experience. Among other things, fundamental rights

guarantee equality before the law and equal protection under the law; they also forbid discrimination against any citizen based on their place of birth, race, religion, caste, or other characteristics; and they guarantee equal opportunity for all citizens in matters pertaining to employment.

Women's Constitutional Rights:

Women's equality before the law (Article 14)

Article 15(i) of the Constitution prohibits the State from discriminating against any person solely on the basis of their religion, race, caste, sex, or place of birth.

Article 15 (3) requires the State to make any specific provisions in support of women and children.

Equal opportunity for all citizens while applying for jobs or being appointed to positions held by the State (Article 16)

The State must direct its policies toward ensuring that men and women have an equal right to a sufficient means of subsistence (Article 39(a)); and that men and women get equal remuneration for equal labour (Article 39(d)).

To promote justice based on equal opportunity and to offer free legal aid through appropriate legislation or a programme, or in any other means to ensure that no citizen is denied the chance to get justice due to a financial or other disability (Article 39 A)

The State should provide for maternity leave and reasonable and humane working conditions (Article 42)

The State should take special care to advance the economic and educational interests of the less powerful groups in society and to safeguard them from all sorts of exploitation and social injustice (Article 46)

The State should improve its citizens' nutrition and quality of life (Article 47)

To advance peace and a spirit of unity among all Indians and to reject behaviours that are disrespectful to women's dignity (Article 51(A)(e)).

Less than one-third of all seats (including those for Scheduled Castes and Scheduled Tribes) in each Panchayat are to be filled by direct election, and those seats are to

be distributed by rotating among different regions in the Panchayat (Article 243d (3)).

Level According to Article 243d(4), women must hold at least one-third of the presidential positions in each level of panchayats.

Less than one-third of all seats, including those for women from Scheduled Castes and Scheduled Tribes, must be set aside for them, and these seats must be rotated among the municipality's various sectors (Article 243T (3)).

According to Article 243T(4), a State Legislature may pass legislation that preserves the President's posts in municipalities for women and members of Scheduled Castes and Tribes.

Laws protecting women:

In order to meet the constitutional requirement, the state has passed a number of laws that guarantee equal rights, combat social inequality and different types of violence, and offer support services to working women in particular. Even though women may become victims of any crime, including "murder," "robbery," and "fraud," crimes that are particularly committed against them are known as "crimes against women." These can be generally divided into two groups.

The Infractions Listed in the Indian Penal Code (IPC)

Rape (Sec. 376 IPC) (Sec. 376 IPC)

Kidnapping and abduction for many reasons (Sec. 363-373)

Murder for dowry, dowry deaths, or attempts to commit dowry (Section 302/304-B IPC)

Physical and emotional torture (Sec. 498-A IPC)

Sexual assault (Sec. 354 IPC)

Sexual assault (Sec. 509 IPC)

Girl importation (up to 21 years of age)

The Offenses Listed Under Special Laws

Although not all laws are gender-specific, those that impact women are examined and amended on a regular basis to meet changing demands. The following are a few of the roles for which there are

particular protections for women and their interests:

The Crimes identified under the Special Laws

Although not all laws are gender specific, the provisions of the law affecting women are periodically reviewed and amendments are made to suit emerging needs. Some of the functions that have special provisions to protect women and 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

Immoral Traffic (Prevention) Act, 1956

The Maternity Benefit Act, 1961 (Amended in 1995)

Dowry Prohibition Act, 1961

The Medical Termination of Pregnancy Act, 1971

The Contract Labour (Regulation and Abolition) Act, 1976

The Equal Remuneration Act, 1976

The Prohibition of Child Marriage Act, 2006

The Criminal Law (Amendment) Act, 1983

The Factories (Amendment) Act, 1986

Indecent Representation of Women (Prohibition) Act, 1986

Commission of Sati (Prevention) Act, 1987

The Protection of Women from Domestic Violence Act, 2005

The Protection of Children from Sexual Offences Act, 2012

Special Women's Initiatives

The government established the National Commission for Women in January 1992 with a special duty to research and monitor all issues relevant to the constitutional and legal protections granted for women, examine the current law and recommend revisions where appropriate, etc.

The 73rd Constitutional Amendment Acts, approved by Parliament in 1992, guarantee one-third of the total seats for women in all elected roles in local governments, whether they are in rural or metropolitan regions.

The purpose of the National Plan of Action for the Female Child (1991-2000) is to assure the girl child's survival, safety, and development with the ultimate goal of establishing a brighter future for the girl child.

2001's National Policy for Women's Empowerment A "National Policy for the Empowerment of Women" was created in 2001 by the Ministry of Human Resource Development's Department of Women & Child Development. This strategy aims to empower and progress women by fostering their growth and development.

2015's Beti Bachao Beti Padhao Yojana Numerous women and girls have had their lives changed as a result of this programme. The "BetiBachaoBetiPadhao" (save daughter, educate daughter) Yojana, the Central Government's favourite project to rescue and empower the girl child, is creating waves across the country.

Conclusion:

A guy has always valued history, and his prince never gave him the chance to consider the meaning of life or the rights of women. The aforementioned paradigm of state and human rights interactions is intended for women without any need that they take part in the historical process. The idea of women's rights has recently become more widely recognised around the world. attempting to shield women from rights in order to protect them. Women haven't seen it in days, despite the fact that modern states have made significant attempts to empower women through legislation. Defending the rights of less powerful women, rights are still being resolved at various points, but my impression then became clear that the constant radical women's rights at the state and global level to become the bacon for safe sustainability is the overall empowerment of the human kind to explain the history of rights.

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