



Analyzing the Legal Landscape: Constitutional Provisions, Acts, and Judicial Mandates Empowering Women

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ABSTARCT

This article explores the extensive system of statutory laws, court orders, and constitutional clauses that have helped advance women's rights in society. It investigates how these laws have changed throughout time to meet the difficulties women experience and advance gender equality. This article highlights the tremendous advancements made in the field of women's rights while also noting the ongoing issues and places in need of more study through an in-depth review of important clauses and notable court rulings. The study provides a fuller knowledge of the legal environment surrounding gender equality in the context of the legal components of women's empowerment.

KEYWORDS: *Women Empowerment, legal rights, India, constitutional framework*

INTRODUCTION

Globally, the pursuit of equal rights for all women and the liberation of females have been major topics of discussion in social and political debate. Societies have understood the value of ensuring that women have equal rights and opportunities throughout history in a variety of spheres, including family, politics, job, and education. This examination explores the constitutional clauses, laws, and judicial orders that give women more authority in various jurisdictions. Legal frameworks are crucial in forming and protecting women's rights. The legal framework relating to women's empowerment is not static; it evolves over time to reflect changing societal norms, international commitments, and the evolving needs of women. The legal framework relating to women's empowerment is not static; it evolves over time to reflect changing societal norms, international commitments, and the evolving needs of women. (Kumar 2017)

CONSTITUTIONAL PROVISIONS

The legal environment for women's empowerment is significantly shaped by constitutions. The guiding principles and values for a country's commitment to gender equality and women's rights are established by these clauses. These clauses, which are scattered throughout the Constitution, demonstrate the state of India's commitment to rectifying the historical prejudice and inequities



experienced by women. Here are some of India's most important constitutional clauses related to women's empowerment:(Kumar 2017)

- Article 14¹ of the Indian Constitution ensures everyone's right to equality before the law.
- Discrimination is prohibited under “Article 15 of the Constitution on the basis of race, religion, caste, sex, or place of birth.”²
- “Equal Opportunity in Public Employment (Article 16)”³
- Article 17 abolishes untouchability.⁴
- Article 19 safeguards the fundamental rights to freedom of expression and assembly as well as the right to peaceful assembly.⁵
- Protection of Minority Interests (Article 29)⁶
- Article 21A, popularly known as the Right to Education, guarantees that the state must give all children, including females, between the ages of 6 and 14, with free and compulsory education.⁷
- Article 23 outlaws the trafficking in human beings and the use of forced labor, both of which historically disproportionately impact women and children.⁸
- “Promotion of Educational and Economic Interests of Scheduled Castes, Scheduled Tribes, and Other Weaker Sections (Article 46)”⁹
- Article 39: Directive Principles of State Policy: Among the Directive Principles of State Policy are those that advance the welfare of women and children, guaranteeing that they are not mistreated and that their health and strength are not misused.¹⁰
- Participation in Local Governance (73rd and 74th Amendments)

In India, strengthening women's rights and gender equality requires these constitutional provisions. But how well they are put into practice depends on societal attitudes, administrative actions, and legislative initiatives. Along with these constitutional requirements, India has over the years enacted particular laws and policies to address gender-based discrimination, violence against women, and promote women's empowerment.(Ghughe 2020)

¹Article 14 Right to Equality

²Article 15 Prohibition of Discrimination

³Article 16 Equal Opportunity in Public Employment

⁴Article 17 Abolition of untouchability

⁵Article 19 Freedom Of Expression And Assembly

⁶Article 29 Protection Of Interests And Minorities

⁷Article 21(A) Right to Education

⁸“Article 23 Prohibition of Traffic In Human Being and Labour Exploitation”

⁹“Article 46 Promotion of Educational and Economic Interests of Scheduled Castes, Scheduled Tribes, and Other Weaker Sections”

¹⁰Article 39 Directive Principles Of State Policy



LEGISLATIVE ACTS

In order to empower women and defend their rights, India has put into effect a number of legal measures, legislation, and policies. These legislative tools are essential for combating violence against women, gender-based discrimination, and advancing gender equality. Here are some notable laws, rules, and regulations in India that support and protect women:

- Act of 2005 Protecting Women from Domestic Violence: This action marked a key turning point in the fight against domestic abuse of women.¹¹
- The 1961 Dowry Prohibition Act This law forbids the payment of dowries, a destructive custom that has fostered female exploitation and violence.¹²
- The 1961 Maternity Benefit Act The organized sector's female employees are required to receive maternity benefits, including paid leave, under this law.¹³
- “Act of 2013 for the Prevention, Prohibition, and Redress of Sexual Harassment of Women at Work”¹⁴
- The 2001 National Policy for Women's Empowerment
- “The National Commission for Women Act of 1990”¹⁵
- The Women's Reservation Bill.
- “The Save the Girl Child, Educate the Girl Child (Beti Bachao, Beti Padhao) Campaign”.

India's dedication to combating gender inequality, violence against women, and other issues that women confront is reflected in these legislative measures, regulations, and policies. The objectives of women's empowerment and gender equality in India must be attained despite the fact that these legislative instruments offer a strong foundation—effective execution, awareness, and ongoing attempts to modify societal attitudes are crucial. (Malakar 2020)

JUDICIAL MANDATES

In India, women's rights and empowerment have been shaped and advanced through judicial orders, frequently in the form of important court rulings. Here are some notable Indian judicial rulings that have strengthened women's rights and given them more power:

- State of Rajasthan v. Vishakha (1997): In this historic decision, the Supreme Court established rules for dealing with workplace sexual harassment of women.¹⁶

¹¹“The Protection of Women from Domestic Violence Act, 2005”

¹²“Dowry Prohibition Act, 1961”

¹³“The Maternity Benefit Act, 1961”

¹⁴“The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013”

¹⁵“The National Commission for Women Act of 1990”



- “In *Mary Roy v. State of Kerala* (1986), the Supreme Court decided that Keralan women should have the same inheritance rights as men”.¹⁷
- *Union of India v. Independent Thought* (2017): The Supreme Court decided in this case that having sex with a wife who is less than 18 years old constitutes rape.¹⁸
- *Shayara Bano vs Union Of India*(2017): In this judgment, the Supreme Court ruled that instant triple talaq (talaq-e-bid'ah) is an unconstitutional practice that violates the rights of women.¹⁹
- “*Shakti Vahini v. Union of India* (2018): The Supreme Court” issued rules as a result of this case to help prevent and combat the trafficking of people, which disproportionately affects women and girls.²⁰

The protection of women's rights and the empowerment of women in India have been significantly impacted by these judicial directives. They have contributed to broader discussions on gender equality and women's rights in the nation in addition to addressing particular challenges. Court rulings have frequently given the necessary impetus for reform and supported the ideals of justice, equality, and women's dignity, even though legal frameworks and legislation are crucial. (Rai 2019)

CONCLUSION

In conclusion, India's legal framework for women's empowerment and the defense of their rights is complex and dynamic. The country has made progress toward gender equality thanks to constitutional clauses, legislative measures, and court orders. Even while there has been progress, there is still more that needs to be done to address the pervasive gender inequities and difficulties that women confront in many areas of their lives. The fundamental tenets of gender equality, non-discrimination, and the defense of women's rights are outlined in the Indian Constitution. Although these legal tools are important, there are still problems. Women's rights in India continue to face challenges due to implementation flaws, cultural norms, and social attitudes. Governmental agencies, civil society organizations, and people must work together to address these issues

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¹⁶ *State of Rajasthan v. Vishakha* (1997)

¹⁷ *In Mary Roy v. State of Kerala* (1986),

¹⁸ *Union of India v. Independent Thought* (2017)

¹⁹ *Shayara Bano vs Union Of India*(2017)

²⁰“*Shakti Vahini v. Union of India* (2018)”



- Article 14- 17 of The Indian Constitution, 1950
- Article 19 of The Indian Constitution, 1950
- Article 21(A) of The Indian Constitution, 1950
- Article 23 of The Indian Constitution, 1950
- Article 29 of The Indian Constitution, 1950
- Article 39 of The Indian Constitution, 1950
- Article 46 of The Indian Constitution, 1950

ACTS

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- State of Rajasthan v. Vishakha (1997)
- In Mary Roy v. State of Kerala (1986),
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