

# Empowering Indian Women: Scrutinizing Major Constitutional Provisions & Legislations on Women’s Rights in Context

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<p>Received: 02 May 2024; Received in revised form: 04 Jun 2024; Accepted: 11 Jun 2024; Available online: 19 Jun 2024</p> <p>©2024 The Author(s). Published by International Journal of English Language, Education and Literature Studies (IJEEL). This is an open access article under the CC BY license (<a href="https://creativecommons.org/licenses/by/4.0/">https://creativecommons.org/licenses/by/4.0/</a>).</p> <p><b>Keywords— Empowering, Indian, Women; Constitutional provisions <sup>1</sup>, Legislations <sup>2</sup>; Women’s Rights</b></p>	<p><i>Women empowerment is a critical aspect to achieving gender equality, where both men and women have equal power and opportunities for education, healthcare, economic participation and personal development. Women empowerment is a critical aspect to achieving gender equality, where both men and women have equal power and opportunities for education, healthcare, economic participation and personal development. including accepting women's viewpoints or making an effort to seek them, raising the status of women through education, awareness, and literacy. Ultimately, no matter the age, women feel most empowered when they see women who are similar to them and easy to relate to. Characteristics like intelligence, success, and kindness are just a few examples that make women feel empowered. These characteristics can apply to any empowering woman, not just celebrities. The Article has applied Comparative study of legal parameters and practicalCase –Based Analysis (CSA) as Methods to delve deep into the issue of empowerment of Indian women in the legal framework created by Indian legacy.</i></p>

## I. INTRODUCTION

The concept of empowering Indian Women had got momentum with the Gandhian movement in India after the end of the First World War (1914-1919 A.D.) While British women had to launch the “Suffrage

Movement” for their “Right to Vote”, Indian women got their voting right through Morley Minto Reforms (1909 A.D.) and Montagu –Chelmsford Reforms (1919 A.D.). The stipulations of the above –stated Reforms were latter on incorporated in Government of India Act<sup>3</sup> (1935 A.D) Thus the legacy of empowering

<sup>1</sup> As laid down in the Constitution of India

<sup>2</sup> As passed by the Indian Parliament or State Legislature/s

<sup>3</sup> Banerjee A. C. (2006) Indian Constitutional Documents

Indian women has been well-established when Dr B. R. Ambedkar became [1] the Chairman of the Drafting Committee of the Indian Constitution in 1948. No wonder, the concept of empowering Indian women was implemented with the implementation of the Constitution of India in 1950. The present article will scrutinize [4] the Constitutional Provisions and the provisions of some relevant Legislations, passed by the Indian Parliament and State Legislature/s to maintain the legacy of women empowerment in

India. The main objectives of the article are as delineated below:

- **Understanding the concept [2] of Empowering Indian Women with reference to Contemporary Ideas that prevailed worldwide (UDHR)**
- **Scrutinizing Constitutional Provisions and Major Legislations for understanding Efficacy of Legal System to contain Violence against Indian Women.**
- **Finding Ways for ensuring Gender Justice in India**

The present Research paper has followed the headings called Introduction; Methods -Applied; Literature Review; Constitutional Rights - available to women in India; [3] Important Legislations: and Conclusion. [7]

## II. METHODS -APPLIED

The present article has followed the following Methods to reach to its conclusion: Comparative Analysis of UDHR and the Constitutional Provisions Contrastive Analysis of legal outlines and Sections, provided in different Legislation

Critical Approach to understand the issue of empowering Indian Women in socio-political and socio-cultural context

### Literature Review

As delineated in Majumder, R.C et al. (19)76) Ancient Indian Anecdotes regarding the status of Indian women:

- Metaphorical Worship of female Gods
- Influence of Hinduism: Women's Right to Education: Gargi & Maitreyi
- Influence of Buddhism & Jainism

- English East India Company Rule 1765- 1857 Legacy of Women Empowerment Missionary /Company Efforts – Marginalization of Women
- British Raj 1858- 1947: Status of Women
- Survey Commissions & Regulating Acts
- Setting up the Universities in India 1858 onwards
- Struggle for Freedom Movement women's Problems brought to light

### Constitutional Rights available to women in India-

Let us scrutinize the Preamble to Indian Constitution to understand the basic tenets of Empowerment with reference to Indian Women:

*WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, DEMOCRATIC REPUBLIC and to secure to all its citizens:JUSTICE, social,[3] economic and political;*

*LIBERTY of thought, expression, belief, faith and worship;EQUALITY of status and of opportunity; and to promote among them allFRATERNITY assuring the dignity of the individual and the unity of the Nation;*

*IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.*

The term "WE" refers to all representatives of the Constituent Assembly irrespective of gender, class and caste and the term " all its citizens denote Indian Women " who have been empowered with their male counterparts. The ideals of "Justice", Liberty", "Equality", and Fraternity" are also encompassing all Indian [4] Women". This is clear from the perspective of the Constitution -makers that have provided enough safeguards so that Indian Women feel highly empowered all the time. Let us review the Constitutional Provision regarding Fundamental Rights as they have been enshrined in Part III of Indian Constitution. **Fundamental right** to equality before Law that is, equal protection of laws in India-

**Article 14:** Article 14 of the Constitution of India reads as under: "**The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.**" No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor

deny to any person within its jurisdiction the equal protection of the laws. Prohibition of discrimination on grounds of religion, race, caste, or place of [3] birth. However art 15(3) empowers state to make any special provision for women and children -Article 15: Prohibition of discrimination on grounds of Religion,

**Implication of Part IV of the Indian Constitution: PSP for extending Economic Rights of Women ;6]**

- State wise Welfare Schemes
- Setting up of Women’s Colleges /Universities
- Women Rights Commission
- Public Opinion through Conferences /Symposia / media

**Important Legislations:** Let us review the implications of the following Acts

- a. The Immoral Traffic (Prevention) Act, 1956 and the Amendment of 2006
- b. The Amendment to Immoral Traffic (Prevention) Act 1 2006:
- c. The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986)
- d. The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986) [5]
- e. Protection of Women from Domestic Violence Act, 2005

**Protection against Cyber Crimes:** Indian women have got protection against the following Cyber crimes under Information Technology Act 2000 (as amended in 2008)

<ul style="list-style-type: none"> <li>• <b>Cyber Extortion:</b> Extortion of money or property through cyber black mailing;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Data Breach:</b> Serious offense of breaking the Trust related to Data Security;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Identity Theft:</b> The offence of thieving the identity of a person for gaining monetary benefits;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Cyber Harassment:</b> The offence of harassing a person especially a woman with fake calls;</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Cyber Stalking:</b> The offence of following a woman by keeping track and by extorting calls ;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Phishing:</b> The offence of extorting money or other favors by sending phishing mails;</li> </ul>

*Fig.1: Empowering Women against Cyber Crimes*

**III. CONCLUSION**

In the present Article, women **empowerment** in India has been scrutinized in the light of provisions and practice of gender equality, gender marginalization and prevalent condition of women in India. Along with the Constitutional Provisions the important and relevant Legislations have been discussed in details:

The Article has applied Comparative study of legal parameters and practical Case –Based Analysis (CBA) as Methods to delve deep

into the issue of empowerment of Indian women in legal framework Under Section 345A of the Indian Penal Code (IPC), those posting lewd comments on social media can be imprisoned for a year and can be asked to pay a fine too. Those posting and messaging pornographic

content without a woman's consent or requesting sexual favors can be imprisoned for three years under the same.

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