

Constitutional Safeguards to Women in India

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Abstract – Indian constitution is dedicated to the establishment of rule of law with right to equality for man and women. The idea of equality is specifically incorporated in the Indian constitution's many clauses. The constitution not only guarantees women's equality, but it also authorizes the state to take particular steps to ensure women's liberation. India is a signatory to a number of international agreements and conventions aimed at ensuring equal rights for women. In this sense, the most important instrument that India has ratified is the 1993 Convention on the Elimination of All Forms of Discrimination Against Women.[1]

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Women have been mistreated in every civilization for centuries, and India is no exception to this global problem. The irony is that in our culture, where women are worshipped as 'shakti', crimes are done against them in all aspects of life. She is treated like a commodity or as a slave, and she is not only deprived of her dignity and pride outside her home, but she is also subjected to ill-treatment and other crimes within its four walls. Women are regarded as an object of male sexual pleasure and child procreation. Women are bereft of economic resources and must rely on males to survive. Part III of the constitution, which places a premium on basic rights and freedoms, provides more protection for both men and women. Indian women were eager to build a genuine collaboration on both the home and international levels. But the fundamental concern on the minds of constitutional writers was how to realise the goal of women's emancipation. This was one of the critical questions that needed to be addressed, as women had not fulfilled all of the constitutional promises and protections made in the constitution. Women in general thought that if their pledges and assurances were not guaranteed without any framework of national policy or method, it had become a constitutional ambiguity.

The Indian Constitution envisages not only the measures to be taken into consideration while erasing deep-rooted inequality in society, but also additional measures to avoid inequality in perpetuity. To attain the aforementioned goal, numerous measures for combating gender discrimination at various levels have been developed in order to enhance women's situations. The Supreme Court stated in *Madhu Krishnan v. State of Bihar*[2] that

women constitute half of the Indian population. Women have always faced prejudice from males, and they have been denied and continue to face persecution in silence. Self-sacrifice and self-denial are their dignity and fortitude, although they have faced many forms of prejudice.

Several clauses have been inserted into the constitution to guarantee the dignity and self-respect of women in general.[3] Some of the significant provisions introduced in India's constitution in favour of women are simply summarised as follows: Article 14 of India's constitution guarantees equality before the law or equal protection under the law across India's territory. This is one of the important sections in the constitution that gives equal legal protection to women against any offence based on their gender. This clause also opens the path for the passage of numerous laws and Acts in India to guarantee the protection and enforcement of women's legal rights. Indian Constitution provides for equality before the law, or for the equal protection of laws. The equality provided herein is therefore two pronged: equality before the law means that the State shall not discriminate between two citizens – every person is the same in the eyes of the law. On the other hand, equal protection of laws enables the State to undertake positive discrimination in order to bring all citizens on an equal footing. It gives the State freedom to make special provisions for disadvantaged sections of the society, which includes affirmative action and special status for women etc.[4]

Article 15 further states that no one shall discriminate solely on the basis of religion, race, caste, gender, or place of birth, or any combination thereof, within the territory of India. According to article 15(3) of the constitution, the state has the authority to enact any particular provisions for women and children. Article 15 (1) explicitly prohibits any discrimination on the basis of sex; it states, "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them." [5] This does not prevent the State from taking affirmative action in favor of women. Under Article 15(3), the State is provided with the power to make special provision for women and children.

Article 16 of India's constitution guarantees equal job opportunities to all citizens, including both men and women. According to article 16, there shall be no discrimination in job opportunities under the state solely on the basis of religion, race, caste, sex, descent, and place of birth, residency, or any combination of these factors. Article 16 provides for equality of opportunity of all in matters relating to public employment or appointment to any office; it specifically forbids discrimination on the grounds of sex. It has been directed that "No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State." [6]

Article 39 of India's constitution, included in Part IV, assures that women benefit from the directive principles of state policy. These instructions, while not legally binding, are critical to the country's government. Article 39(a) of the Directive Principles of State Policy provides and instructs a state to implement policies that focus on men and women having an equal right to an adequate means of subsistence, whereas article 39(c) ensures equal compensation for equal labour for both men and women. Article 42 of India's constitution states that it is the responsibility of every employer to offer reasonable and humane working conditions as well as maternity leave. Women are guaranteed seats in gramme Panchayats under the Indian Constitution. Apart from these major Constitutional Provisions the other constitutional provisions accentuating upon gender equality are hereby mentioned below:

- i. The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation. [7]
- ii. The State to raise the level of nutrition and the standard of living of its people. [8]
- iii. To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women. [9]

- iv. 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. [10]
- v. Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women. [11]

This chance to participate in local level arbitration has improved the social situations of women in rural regions. These are a few of the rights granted to Indian women by our constitution in order to protect their dignity and social respect.

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 prince 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.

To create an equal society, women's protection must be maintained, and it is the role of the state to provide every help to women in order to maintain a society founded on the Rule of Law. The authors of the constitution were adamant that some specific provisions be included in the constitution in order to put women on level with their male counterparts. Several precautions have been implemented in this contemporary age of science and technology to protect and preserve women's rights. Women are now competing with males in every aspect of life and, at times, excelling more than men, which is seen as a glimmer of hope for women in India. Our constitution clearly provides for women's protection and protections, and authorizes the state to make particular arrangements for their honour, dignity, and well-being. Despite all of the stated protections mentioned in our constitution, there are incidents of

extreme sex discrimination, which is a clear breach of our predecessors' fundamental obligation.

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