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Phone : +91 94896 71437 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



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## CONSTITUTIONAL RIGHTS OF WOMEN IN INDIA

**AUTHOR** – MEHVISH SAYYED, STUDENT AT M.K.E.S. COLLEGE OF LAW

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### Abstract

The Indian Constitution guarantees fundamental rights to all its citizens, including women, ensuring equality, protection against discrimination, and empowerment. Article 14 ensures that all individuals are treated equally under the law and receive equal legal protection prohibiting discrimination against women. This article ensures equality of opportunity in public employment and prevents discrimination based on gender, enabling women to access government jobs and promotions without bias. The right to life and personal liberty is safeguarded by Article 21, which includes a range of fundamental rights. dignity, privacy, and freedom from exploitation. These constitutional rights have led to Legal empowerment through various laws like the Prevention of Sexual Harassment Act and Domestic Violence Act, Increased workforce participation due to anti-discrimination provisions, greater political representation via reservations in local bodies, Social upliftment through welfare schemes addressing women's health, education, and economic independence etc.

**Key words:** Rights of women, constitutional right of women in India, Right to Equality, Prohibition of Discrimination, Equal Opportunities in Public Employment

### Introduction

The Indian Constitution guarantees fundamental rights to all its citizens, including women, ensuring equality, protection against discrimination, and empowerment. Several provisions specifically address women's rights, reinforcing their role in social, economic, and political spheres. Articles 14, 15, 16, 21, 39, and others play a significant role in ensuring gender justice and equality.

### Provision under the Constitution of India

#### Right to Equality (Article 14)<sup>87</sup>

Article 14 ensures that all individuals are treated equally under the law and receive equal legal protection prohibiting discrimination against

women in legal matters and ensuring they are treated equally in courts and administrative decisions.

#### Prohibition of Discrimination (Article 15)<sup>88</sup>

Article 15 forbids any form of discrimination on the grounds of religion, race, caste, gender, or place of birth. It explicitly permits the state to implement special measures aimed at the protection and welfare of women and children, recognizing historical inequalities and aiming for corrective measures.

#### Equal Opportunities in Public Employment (Article 16)<sup>89</sup>

<sup>87</sup> Article 14 of The Constitution of India

<sup>88</sup> Article 15 of The Constitution of India  
<sup>89</sup> Article 16 of The Constitution of India

This article ensures equality of opportunity in public employment and prevents discrimination based on gender, enabling women to access government jobs and promotions without bias.

### **Right to Life and Personal Liberty (Article 21)<sup>90</sup>**

The right to life and personal liberty is safeguarded by Article 21, which includes a range of fundamental rights: dignity, privacy, and freedom from exploitation. Judicial interpretations have expanded this article to include protection against sexual harassment, right to reproductive choices, and right to a safe working environment.

### **Directive Principles of State Policy (Article 39)<sup>91</sup>**

Article 39 mandates that the state must guarantee equal remuneration for equal work, promote health and strength of women, and safeguard them from economic exploitation. This article plays a crucial role in labor laws and gender-based welfare schemes.

### **Article 42: Maternity Relief<sup>92</sup>**

The Constitution mandates the state to make provisions for maternity relief and secure just and humane working conditions for women, which has led to policies like the Maternity Benefit Act.

### **Article 51A(e): Fundamental Duties<sup>93</sup>**

This article places a duty on citizens to renounce practices derogatory to the dignity of women, fostering a cultural and social responsibility to promote gender equality.

### **Article 243D & 243T: Political Representation<sup>94</sup>**

These articles mandate reservation of seats for women in Panchayati Raj institutions and municipalities, ensuring women's participation in governance and decision-making processes.

### **Impact of Constitutional Provisions**

These constitutional rights have led to:

Legal empowerment through various laws like the Prevention of Sexual Harassment Act and Domestic Violence Act.

Increased workforce participation due to anti-discrimination provisions.

Greater political representation via reservations in local bodies.

Social upliftment through welfare schemes addressing women's health, education, and economic independence.

### **Challenges in Implementation**

Despite strong constitutional backing, challenges persist:

Patriarchal mindset and societal norms hinder full realization of rights.

Lack of awareness about legal protections among rural and marginalized women.

Delayed justice in gender-related crimes and employment discrimination cases.

Enforcement gaps in ensuring equal pay and workplace safety.

### **Way Forward**

To strengthen the implementation of constitutional rights for women, the following measures are essential:

Increased awareness campaigns to educate women about their rights.

Stronger enforcement mechanisms for gender-equal policies.

Faster judicial processes in gender-related legal cases.

Empowerment programs to encourage women's participation in decision-making roles.

### **Conclusion**

The Indian Constitution serves as a robust framework for promoting and protecting women's rights. While significant progress has been made, continuous efforts are needed to overcome societal and institutional challenges. Ensuring effective implementation of

<sup>90</sup> Article 21 of The Constitution of India

<sup>91</sup> Article 39 of The Constitution of India

<sup>92</sup> Article 42 of The Constitution of India

<sup>93</sup> Article 51A of The Constitution of India

<sup>94</sup> Article 234 of The Constitution of India



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constitutional provisions will pave the way for a truly equal and just society for women in India.

