

Rights of women in constitution

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Introduction

The Constitution of our country is considered the longest constitution in the world which includes various articles and their amendments. Dr B.R Ambedkar clearly mentioned each and every part of the constitution for the benefit of citizens of India. It provides rights and duties for the citizens of India. **“The constitution does not allow any inequality or discrimination based on caste, religion, sex”.**¹

Ladies in India considered as a goddess but still, they face lots of issues for their equality and their livelihood. The constitution plays a very important role in a women's life as it mentioned some basic rights and special provisions mentioned for females. Every human is equal in the eyes of law according to the constitution and women are one of them.² The women are bounded by responsibilities from birth till her death.

1. Equality for women:

Discrimination against women is the most serious issue that relies upon the country, whether in a family, school or society. People often judge women in accordance to her gender because of their upbringing which allows them to think women are weak, they can't compete with males which creates problems in society.

Meanwhile, even today most of the Indian families may prefer a boy over a girl as their ideology for a better future and they prefer man as an asset. The discrimination often starts from families itself by providing education to the males of the house but not the daughter, by providing all the luxuries to the son but not providing the same for the daughter of the house.

Dowry is considered the most heinous crime in the society but it is considered as the part of gifts which the bride's family offer to the groom which also discourages the living of females. Dowry deaths also took place in large numbers which challenge women's dignity and identity.³ The forces were considered to be the men's job due to women's

¹V.N. Shukla, Constitution of India 758(EBC Publishing,Lucknow,13th edition,2017)

² Article 14 of the Indian constitution.

³ Dowry system:Meaning, causes, effects, solution, available at:

physical limitations which also affects the equal rights of a female. Women were not allowed to be an army commander in the forces earlier because of the mind-sets of males that women can't command them. Later on, the Supreme Court's judgement played a most important part which allows females to serve as army commanders in the forces which created a huge impact in the society and the males as well. Men and women are equal and there must be no discrimination even in the field where physical strength plays a very important role to survive and everybody is equal in the eyes of forces too.

Our constitution provides equality as a fundamental right for the citizens of India. "Article-15(1) of the constitution strictly follows that there will be no discrimination on the grounds of sex, caste, religion" etc which clearly follows the pattern there will be no discrimination for women living in the country as they are equal in the eyes of law. The Government took various measures for the females in the country by encouraging them by providing advertisements, counselling of the parents and family.⁴

Indian Constitution removes the barrier based on the gender of a human; a woman is as equal and important in the society as a male. Her contribution will be appreciated in the same manner.

Many people in India encouraged women to live their life accordingly. Co-education schools are the best example of equality in the country where males and females grant the same type of education with the same type of facilities and according to their knowledge. Schools organise various co-curriculum activities which allow students to polish their skills and talent as an individual but not on gender basis. India is to be considered as the male-dominated society which often challenged in the courts with the personal laws of a particular religion. There was a case of Mary vs. State of Kerala⁵ which considered being the landmark judgement of gender equality in India, the plaintiff was not ready to give up the right on her father's property, several points were taken into consideration as in many families women do not get their father's property as only the son of the family will take the charge for it. The Supreme Court took 20years to pass the judgement in favour of the

<https://www.importantindia.com/23872/dowry-system-causes-effects-solution/>(visited on 18 April,2020)

⁴ Protection of women under constitution, available at: www.buddymantra.com/protection-of-women-under-constitution/ (visited on 20 April,2020)

⁵ 1986 AIR 1011

plaintiff as an equal right on her father's property. Even today women don't raise property issue as a mark of respect towards her family and still its sensitive issue in the families in the country.

According to research

- 14.5% of women are presented as a democratic leader which is still not so impressed numbers in the country. Maternity honour leads to 174 on per 100,000 people.⁶
- Women earn 35% less salary compared to the job they are pursuing.⁷
- In 2018, only 23.6% of the women were working as labours on 78% male population.⁸

2. Freedom, life and privacy of women:

Manusmriti quoted few lines on the status of women. According to Manu Smriti "Girls are supposed to be in the custody of their father when they are children, in control of their husband when married and on her son as widows, as she should not be independent".⁹

What if you put a human in a cage and provide everything of your choice without asking about their issues and their problems? That's how most of the women in the country survive in their families. Women faced a lot of issues regarding their privacy and the way they want to live their life. Freedom not only means that a woman is allowed to wear her choice of clothes the way she wants to look but it also specifies the way she wants to express herself and the way to have freedom of choice, personal liberty and even to live a peaceful life without any restrictions and which is also not justifiable by any male related to her. When we talk about a women's life and her freedom the most horrifying cruel act from history comes into mind the practice of 'Sati Pratha'. It was considered to be a part

⁶ Why do we Need Special Laws in India, available at:

www.thebetterindia.com/48773/constitution-of-india-laws-women/(visited on 21 April,2020)

⁷An economist explains why women are paid less

<https://www.weforum.org/agenda/2019/03/an-economist-explains-why-women-get-paid-less/>

⁸<https://www.pewresearch.org/fact-tank/2018/03/07/women-in-majority-male-workplaces-report-higher-rates-of-gender-discrimination/>

Women in majority-male workplaces report higher rates of gender discrimination

⁹The Status of Women as Depicted by Manu in the Manusmriti, available at:

<http://nirmukta.com/2011/08/27/the-status-of-women-as-depicted-by-manu-in-the-manusmriti/>(visited on 28 April,2020)

of our culture in the Hindu religion. Basically, Sati was practised by widows, who burn themselves till death in the pyre of their husbands. Sati was the most heinous crime which took place in history. Later on, sati was abolished in different regions by the officials. But even today most of the people do not allow widows to remarry due to many circumstances in the society. Widow Remarriages are still not accepted by the families of a widow or her in-laws. Not even sati but dowry deaths also have taken place in most of the regions in India which took a women's right to live and considered as a crime against women.¹⁰ In Islam, women's freedom is the most ignorant amongst all the other issues that are highlighted in the religion. According to them, a Muslim man can divorce her wife whenever he wants but on the same manner, Muslim women do not have any freedom to divorce her husband without the permission of the husband which affects the freedom of women and also encourage the inequality on gender basis.¹¹ Muslim women always have to rely on her husband or any male who is related to her for the financial help or for the maintenance of the child which also raises serious questions on the lives of women in the society and the lack of freedom in their lives.

After independence, the status of women has taken a great change which also made women responsible and allows them to upgrade in the society. The Indian Constitution provides various fundamental rights for freedom and their choice of living. Article 19 to 22 talks about all the rights given to the citizens regarding their freedom and choice of living. The article also specifies that every individual including male and female have the right to work, right to live with human dignity i.e. nobody can harm a woman or even a man's dignity of living. The constitution does not allow any discrimination but their main motive is to provide everything on an equal basis whether any right present in the constitution.

One of the most leading cases which took place in history made every individual forced to think, regarding the life of females, in *Budhadev Karmaskar vs. The State of Bengal*¹²

¹¹ Muslim Marriage Law in India: Formalities, Polygamy, Divorce, Remarriage, available at: <https://vakilsearch.com/advice/muslim-marriage-law-india/> (visited on-28 April,2020)

¹² AIR 2011 SC 2636: (2011) (10) SCC 277: JT 2011 (8) Sc 289: (2011) 8 SCALE 155

a sex worker was brutally murdered by a man for being a prostitute which violated her right to life and live a life with dignity.

If females in the country get their equal rights with freedom and have goals to achieve they can be a better human and a better woman.

According to the research:

- In India 239,000 underage girls die each year because of their gender which also raises lots of question regarding the provisions of the constitution which mentions that every individual has a right to life and it is a fundamental right of every citizen of the country. Not only female death rates but abortions rates also increased in the past few years. Gender identification is banned in India as people used to abort the girls in their mother's womb which leads to fewer girls in the country.¹³
- Over 63 million women are missing from the population of the country and 90% of the female population killed in India. Various provisions have taken place to stop these kinds of issues, the abolition of female foeticide also plays a most important part to increase the female population and maintain a healthy rate of women in the country.¹⁴

3. Education for women

Education plays a very important role in a person's growth. The growth leads to a better understanding of work and also the rights and duties of an individual. Women education was the most serious issue raised in India even before independence. There were two kinds of mentality rolled over for the women education. In the prehistoric period, many kings believed that women must learn new skills and need to study for a better future and on the other hand, there were people who used to believe that education for women is just waste of their time because females are only born to do household work and raise children. Savitribai Phule, the first female teacher of India encouraged many women in

¹³<https://www.aljazeera.com/news/2018/5/15/gender-bias-kills-239000-girls-in-india-every-year>Gender bias kills 239,000 girls in India every year: Study

¹⁴ Article 21 of Constitution of India- Right to life and personal liberty, available at: <https://www.lawctopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/>(visited on 4 May,2020)

the society by running her own girls school and providing education for females, she also wrote a poem “Go Get Education” which was written to make people aware the importance of education. According to the research, many girls not even sent to schools ever in their life or they drop out of school at very early ages due to lack of understanding the importance of education which leads to the social and economic growth of a person and made them a better person.¹⁵

A woman who is more educated knows her right better than a woman who is illiterate and unaware of it. Female education not only brings economic growth but also more helpful in their health and hygiene as they will be more aware of their own body and all the problems women faced during her cycle. Many women die due to health issues because they were not aware of the measures to be taken place for their hygiene. Another reason for the lowest literacy rate in India is the poor sanitation provided in the schools, most of the government schools do not have medical rooms to provide emergency help to the girls.¹⁶

The constitution provides education as a fundamental right in article 15(1) of right to education to all without any discrimination and article 15(3) allows special measures and allows special provision for women education. The Government has also taken many measures for the women education in India by providing free 5year basic education, CBSE Udaan, National schemes. In 2015, “Beti Bachao Beti Padhao” was introduced with the agenda of educating the girl child and save them by the Narendra Modi government to bring some changes in the female sex ratio and education ratio which made a huge impact in recent years.¹⁷

According to research:

¹⁵Women and girls, available at:<https://www.right-to-education.org/girlswomen>

¹⁶Women Education: Its Meaning and Importance, available at:
<https://www.importantindia.com/17061/women-education-its-meaning-and-importance/>(visitedon5 May,2020)

¹⁷ List of Women Empowerment Programmes/Schemes, available at:
<https://www.jagranjosh.com/general-knowledge/women-empowerment-programmes-1322720937-1>
(visited on 5 May,2020)

- Only 48% of women have completed the basic 5year education programme in the country which is much less than Nepal and Pakistan.¹⁸
- Even after taking measures in the constitution for the women, the literacy rate of females is still lower than the males. The literacy rate of women in India is 65.45% which is still the lowest rate comparing to other developing countries.¹⁹
- Kerala and Mizoram have the highest female literacy rate comparing to other states of India. Rajasthan has 52%, 53% in Bihar Uttar Pradesh with 59.2% of literacy rate.²⁰

4. Politics and women:

Many women participated in the movement of independence from the British rule which created a huge impact of women empowerment in India. From Kamla Nehru to Kasturba Gandhi women took steps in the movement of free India which encouraged every woman. Women also participated in politics with a view of working for the country and serving themselves as a good leader. Indira Gandhi, Sarojini Naidu, Jayalalitha and many political female leaders made India proud and allow other women to participate in the world of politics. These great leaders made everybody lookout women as their equal opponent. After this entire situation remained the same, many political parties in their manifestos talk about the women empowerment but not even consider them as an equal candidate of the party. Also, the parties which are run by the female leaders do not consider women as their first choice for the candidate due to the gender factor. Women leadership is considered to be the most ignorant topic for society. While the country is taking initiatives for the women empowerment, the field of politics still lacking in the improvement of women. On the other, hand our Constitution provides some basic rights to women in the field of politics and to ensure women get their equal rights in leadership,

¹⁸Education in Pakistan https://en.wikipedia.org/wiki/Education_in_Pakistan

¹⁹ Despite recent improvements, women's literacy rates are generally lower than men's. https://www.unicef.org/sowc07/docs/sowc07_figure_2_5.pdf

²⁰ low Female Literacy Rate and Its Impact in Our Society, available at: <http://www.mapsofindia.com/my-india/society/low-female-literacy-rate-and-its-impact-on-our-society> (visited on 8 May, 2020)

article 243-D(3), 243-T(3), 243-T(4) of the constitution talks about the reservations of women in Panchayat, Municipality which created a slight change in the position of women. These reservations allow 1/3 reserved seats for the women candidate (including scheduled tribes and scheduled caste women) for their upliftment.²¹ In rural areas even today most of the women panchayat members are not allowed to make decisions because of their gender or sometimes people don't consider them as their leader, in general, these problems created a mind-set of a male-dominated society. A country where a woman leads as the strongest prime minister with a female president and which also had 16 women chief ministers in past are still lacking in the field of politics and females are still not considered as good leader. India has the lowest women participation in politics due to family-related problems.²² In 1996, a women reservation bill was introduced in parliament for 33% of reservation in the Lok Sabha and legislative assemblies which created history. Many women came out in support of the bill as a female individual candidate but not as party member. Later on, in 2010 the bill was by the Rajya Sabha but did not get an approval from Lok Sabha due to the protest of many male candidates who heckled the members in parliament in against of the bill. The bill is still pending from 24 years and women are still hoping for the best to reserve their 1/3 seats in the parliament which also helps in more participation of women in politics.²³ The only main reason of lack of women members in the party is due to the decision making powers of women and the mindsets of the party members which only can improve if the government takes measures to reserve their seats in the parliament soon.

According to the research:

- India is ranked 149 on women's participation by holding 49% women population and being the 2nd most populated country in the world.
- In 2014, only 12.6% of female MPs were presented in Lok Sabha which is much lowest.

²¹ V.N. Shukla, Constitution of India 758 (EBC Publishing, Lucknow, 13th edition, 2017)

²² Rural women and their challenges

<https://dailytimes.com.pk/677866/rural-women-and-their-challenges/>

²³ "Rajya sabha passes Women Reservation Bills". The Times Of India. March 2010.

- 11.5% of females were presented as a member of Rajya Sabha in 2018.²⁴

5. Other rights of women:

After the constitution came into existence many changes occurred and many laws were made in reference to the constitution and safeguarding the rights of women. Maternity relief acts, 1961 were introduced for the maternal benefits of women working in the organised sectors. Article 42 of the constitution mentions some provisions for maternal reliefs, Remuneration Act to ensure that women get equal pay for equal work to avoid gender disparities, the sexual harassment of women at workplace Act to avoid any harassment of women working in the sectors, Abolition of sati practice safeguards a women's right to live under The Commission of Sati (Prevention) Act, 1987.²⁵



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Conclusion

We consider our women as a weaker section of society but in reality, nobody is much stronger than a female who not only taking care of her family but also struggling somewhere to fight for her equal rights. Women should get special provisions on equal payments and administration should take necessary steps to look out on issues regarding female population. Also, laws regarding gender-equitable distribution and safe use of natural resources and to promote women's access to decent work and social protection. It all started from each one's family if a woman is not respected by a male member in the family then it becomes a mind-set of the males to disrespect the women in the outside

²⁴ "Women's political participation in India low, need more: Economic Survey, available at: <https://economictimes.indiatimes.com/news/politics-and-nation/womens-political-participation-in-india-low-need-more-economic-survey/articleshow/62696726.cms> (visited on 8 May,2020)

²⁵ "Women Empowerment In India", available at: <https://www.indiacelebrating.com/social-issues/women-empowerment/> (visited on 8 May,2020)

world too. But we also must teach the females to equally respect the other gender as everyone is equal and should obtain equal respect. A woman must know her duty as a citizen and live a life of dignity. In recent year, it is observed that many females have reported false cases against the males which also harm the dignity and respect of women in society. A woman should not misuse her special rights as it may harm the other woman who actually suffered these problems and nobody listens to them. So, everybody must be aware of their rights and duty as a citizen of India.



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