

# “Women and Indian Constitution. An Analytical Overview”

## Pravesh Pandey

Assistant Professor,  
Deptt. of Political Science,  
Shri Guru Nanak Mahila  
Mahavidyalaya,  
Jabalpur, M.P.

## Sumena Bashir

Research Scholar,  
Deptt. of Political Science,  
R.D.V.V. Jabalpur,  
M.P.

### Abstract

The aim of this paper is to examine the status of women in different era in India. The role and status of women in ancient, medieval and modern period. India has been radically changed in the last century. The Indian women can be traced back to the second half of nineteenth century, which got a remarkable shape in the early twentieth century, more specifically during the modern period.

The status of WOMEN in complex society like INDIA is not uniform . In recent years , the traditional roles of Women have undergone some changes due to economic needs and some efforts were made to bring visibility and mainstream women's contribution to the overall growth and development of society. Women play a very strategic role in the development of society in particular and development of economy in general. Since empowerment is considered a multidimensional concept, it is determined by many socio-economic factors and cultural norms. Empowering women is the urgent need of the time Her potential hidden power is to be utilized for which, her status in the society must be improved and economically she should be strengthened True empowerment of the women is only when all this three factors i.e. social, economic and political are simultaneously address and made compatible with each other therefore for holistic development of women to happen the impact of all this three factors should be covered effectively Women education in India has also been a major preoccupation of both the government and civil society as educated women can play a very important role in the development of the country. Education is milestone of women empowerment because it enables them to responds to the challenges, to confront their traditional role and change their life.

**Keywords:** Women, Empowerment, India, Milestone, Multidimensional, Social Economic, Political Ancient, Medieval, Modern period, etc.

### Introduction

“If by strength is meant brute strength, then indeed, is woman less brute than man. If by strength is meant moral power, then woman is immeasurably man's superior. Has she not greater intuition, is she not more self-sacrificing, has she not greater powers of endurance, has she not greater courage Without her, man could not be.”

“Mahatma Gandhi.”

“If you educate a man you educate an individual, however, if you educate a woman you educate a whole family. Women empowered means mother India empowered”.

“Pt. Jawaharlanehru”.

The position of women since long has been pitiable in all aspects of life and her subjugation by males has been throughout a history. She couldn't feel independent, and acts so, barring a few exceptions. Even today, the struggle for establishing her independence identity is being persued through with more vigour. A movement is being launched with a hope of success and how could it be achieved has worried researchers and law makers for a longtime. Therefore, this study is directed towards achieving this goal and an attempt is being made to find out in a chronological order the state of affair of Indian women and extent of success in achieving true liberation and real emancipation. Indian women are becoming more and more conscious of their constitutional and statutory rights. This consciousness has awakened in them a sense of urgency in experiencing equality and social justice. Without equality and

social justice there cannot be democracy in the real sense. At first it has to be understood the meaning of the term, but does have philosophical, sociological, economic, legal and political ramifications. It has to be understood in the social context. "Men and women are equal" means they are equal in all respect.

#### **Socio-political status of women in ancient period**

The status of women is changing from time to time. The history of women in India has been exciting. Over the past few millennia, the status of women in India has been subject to many changes. Women enjoyed equal status with men in all fields of life in ancient days of India. Works by ancient Indian grammarians such as Patanjali and Katyayana point out that, women were educated in the early Vedic period.

The Rigvedic verses tell that, the women married at a mature age and were free to select their life partner. Rig Veda and Upanishads, the holy books mention that, There were many women sages and seers, like Gari and Maitreyi, Stri. Dharma Paddhati, the text of Tryambakayajvan reflects the role of women and tells that, women were enjoined to be of service to their husbands. In some kingdoms of ancient India, tradition like Nagar Vadhuie bride of the city was practiced. Amrapali was the famous Nagar Vadhu. Women were competing to win the popular title of the Nagar Vadhu. (Kadam, 2012)

During the early Vedic Period women enjoyed equal position and rights. Later around 500 B.C the position of women started to decline with the Manusmiti and with the Mughal invasion of Babur and the Mughal Empire and later Christianity cut the freedom and rights of women. Even though penitentiary movements like Jainism allowed women to be admitted to the religious order by and large, the women in India faced captivity and restrictions. Around sixth century, the practice of child marriages started. (Kadam, 2012).<sup>1</sup>

Historical study of the women's status in ancient India and the factors that led to a decline in their status in later years. He points out that during the pre-Manu days women occupied a very high position in the intellectual and social life of the country. That a woman was entitled to upanayanis clear from the Atharva Veda where a girl is spoken of as being eligible for marriage having finished her Brahmacharya. From the Shrauta Shrutras, it is clear that women could repeat the Mantras of the Vedas. Panini's Ashtadhyayi bears testimony to the fact that women attended Gurukul (College) and studied the various Shakhas (sections) of the Vedas. Similarly, Patanjali's MahaBhasya shows that women were teachers and taught to girl students. Women also entered into public discussion with men on various subjects like religion, philosophy and metaphysics. The stories of public disputation between Janak and Sulabha, Yajnavalkya and Gargi, Yajnavalkya and Maitreyi, and Sankracharya and Vidyadhari shows that Indian women in pre-Manu days could attain the highest pinnacle of learning and education.<sup>2</sup>

In ancient India, though patriarchal system was highly prevalent - all male domination -- women enjoyed a position of respect and reverence. Several inscriptions make references to the status of women in that they enjoyed the freedom to make liberal gifts

to religious institutions like temples, dharmasalas not merely for the welfare of heads of the families but for their parents as well.

Since women and property are bracketed together in several references in the epics, Smritis and Parana's, women came to be regarded as a sort of property. She could be given away or loaned as any item of property. This was the attitude of a typical patriarchal society based on private property. The Brahman law did not allow any proprietary rights to women; the provision for stridhanais of a very limited nature and does not extend beyond the wife's rights to jewels, ornaments and presents made to her at the time of her marriage. The practice of using veils by women of high caste families was in vogue. In South India also the position of women deteriorated. Remarriage of widows was generally not favoured. Their positions were very bad as they had to shave their heads, discard all their ornaments and eat only plain food that too once in a day and wear white clothes. If anyone goes out on some work, and faces a widow, was considered as a bad women. They are generally not invited to witness any social functions such as marriage, naming of a child, etc., except to render domestic labour.<sup>3</sup>

Patriarchy, religious beliefs and social norms have precluded women from enjoying equal status and rights in society as discussed in section 2. Women in India, before independence and even after independence have faced oppression, repression, suppression, discrimination and preclusion from having equal rights in almost all socio-economic spheres. Women in India have always been powerless, oppressed, subordinated, put at lower status, victims of patriarchy, suppressed by poverty, deprived from adequate food and nutrition, deprived from education etc. Also statistical data from most surveys depicts prevalence of gender inequality in India in terms sex ratios, educational attainment, nutrition and demographic outcomes. Economic Development that has taken place in India in past few decades in terms of educational attainment, improvement in life expectancy, increase in per capita income etc. definitely have an impact on status of women. One would expect that as the effects of development trickle down to every sphere of economy and status of women would get uplifted and the issue of unfavorable child sex ratio, lack of health and nutrition and lack educational attainment will get resolved on its own yet the need is to initiate a concerted action of social awareness through media for the women as human being and an equal one so as raise the status of women.<sup>4</sup>

#### **Socio-Political of Women in Medieval Period**

During the medieval period, the position of Indian woman in the society further deteriorated. Among some communities in India, practice of Sati, Child Marriages and a ban on remarriages of widows became part of social life. The Muslim conquest brought the pardah practice in the Indian society. The Jauhar was practiced among the Rajputs of Rajasthan. The practice of temple women (Devdasi) was in practice and were sexually exploited in some parts of India. Among Hindu Kshatriya ruler's polygamy was widely practiced. Women were restricted to Zenana areas in many Muslim families.

During and after British rule the condition of women is not very good. The women are not viewed with equal status. In India, woman herself doesn't feel equal and many times she ill treats herself.<sup>5</sup>

The status of Indian woman in the society further deteriorated during the medieval period. The tonsure (shaving of head) of the widow was enforced by about the eighth century A.D. The Muslim conquest in the Indian subcontinent brought the *pardah* practice and was widely used in the middle class families. Among the Rajputs of Rajasthan, the *Jauhar* was practiced. In some parts of India, the *Devadasis* or the temple women were sexually exploited. Polygamy was widely practiced esp. among Hindu Kshatriya rulers. In many Muslim families, women were restricted to *Zenana* areas.

*Sati-Sati* is an old, largely defunct custom, in which the widow was immolated alive on her husband's funeral pyre. Although the act was supposed to be a voluntary one on the widow's part, it is believed to have been sometimes forced on the widow. *Jauhar-Jauhar* refers to the practice of the voluntary immolation of all the wives and daughters. Even with their status deteriorated, some women excelled in the fields of politics, literature, education and religion. There were women like Razia Sultana, Nurjahan, Chand Bibi who wielded imperial power. Mirabai, Akka Mahadevi, Rami Janabai were some of the saint-poets (Adhav, 2012) of defeated warriors, in order to avoid capture and consequent molestation by the enemy. The practice was followed by the wives of defeated Rajput rulers, who are known to place a high premium on honour.

*Pardah-Pardah* is the practice of requiring women to cover their bodies so as to cover their skin and conceal their form. It imposes restrictions on the mobility of women, it curtails their right to interact freely and it is a symbol of the subordination of women. It does not reflect the religious teachings of either Hinduism or Islam, contrary to common belief, although misconception has occurred due to the ignorance and prejudices of religious leaders of both faiths.

*Devadasi's* - *Devadasi* is a religious practice in some parts of southern India, in which women are "married" to a deity or temple. The ritual was well established by the 10th century A.D. In the later period, the illegitimate sexual exploitation of the *devadasi's* became a norm in some parts of India.

Altekar summarizes the pathetic condition of women as, "Thus for nearly 2000 years from 200 B.C. to A.D. 1800, the position of woman steadily deteriorated though she was fondled by the parents, loved by the husband, remarriage, the spread of *pardah* and the greater prevalence of polygamy."

Women played an important part in India's independence struggle. Some of the famous freedom fighters Annie Besant, Vijayalakshmi Pandit, Aruna Asaf Ali, Durgabai Deshmukh, etc. The great campaigner and leader of social and political movements, Gandhi could see and realize the importance of the participation of the women who constitute 50% of the Indian population. He declared that no nation can prosper without participation of the women and men together. It is important to include

Sarojini Naidu was the first woman to become the governor of a state.<sup>6</sup>

In spite of these conditions, some women excelled in the fields of politics, literature, education and religion. Razia Sultana became the only woman monarch to have ever ruled Delhi. The Gond queen Durgavati ruled for fifteen years, before she lost her life in a battle with Mughal emperor Akbar's general Asaf Khan in 1564. Chand Bibi defended Ahmednagar against the mighty Mughal forces of Akbar in 1590s. Jahangir's wife Nur Jehan effectively wielded imperial power and was recognized as the real force behind the Mughal throne. The Mughal princesses Jahanara and Zebunnissa were well-known poets, and also influenced the ruling administration. Shivaji's mother, Jijabai was deputed as queen regent, because of her ability as a warrior and an administrator. In South India, many women administered villages, towns, divisions and heralded social and religious institutions. The *Bhakti* movements tried to restore women's status and questioned some of the forms of oppression. Mirabai, a female saint-poet, was one of the most important *Bhakti* movement figures. Some other female saint-poets from this period include Akka Mahadevi, Rami Janabai and Lal Ded. *Bhakti* sects within Hinduism such as the Mahanubhav, Varkari and many others were principle movements within the Hindu fold to openly advocate social justice and equality between men and women.

Shortly after the *Bhakti* movement, Guru Nanak, the first Guru of Sikhs also preached the message of equality between men and women. He advocated that women be allowed to lead religious assemblies; to perform and lead congregational hymn singing called *Kirtan* or *Bhajan*; become members of religious management committees; to lead armies on the battlefield; have equality in marriage, and equality in Amrit (Baptism). Other Sikh Gurus also preached against the discrimination against women.<sup>7</sup>

Martha Howell's *Production and Patriarchy in Late Medieval Cities*, also published in 1986, studied women's work in the same period in two northern German towns, Leiden and Cologne. Howell found, in contrast to Alice Clark, that the advent of capitalist forms of production itself did not bring about women's exclusion from high status labour. Small commodity production - which she identified as an alternate, usually prior, form of production - also restricted women's economic activity. Howell concluded that women only participated in high status trades when production took place within the family context. It was the predominance of family production in Cologne, she contended, that permitted the existence of a handful of independent women's guilds in that city. Women produced in guilds, while their husbands sold their wives' products in the market. When production moved out of the family, either in small commodity production or capitalist production, women could not follow. Their work outside of the home threatened to undermine the patriarchal family and was gradually eliminated. According to Howell this process was complete by the end of the seventeenth century. By 1700 only an occasional woman appears in a high-status job.<sup>8</sup>

**Socio-Political Status of women in Modern India**

In the Indian modern country is fast emerging as a global power but for half of its population, the women across the country, struggle to live life with dignity continues. Women, irrespective of their class, caste and educational status, are not safe in the modern society women have been the victims of exploitations since long time in different fields in their life both physically, socially, mentally and economically. There are several causes of sexual as well as moral abuse which are very often highlighted by the media in Indian modern society, and a lot of those also remain unexplored. Although, such violence against women, sexual harassment, exploitation to women is not of recent origin, its trace is found in the history of ancient India. Women are facing problems in every sphere of life whether employment, access to health care or property rights. India is fast developing but women's in India continue to be discriminated. The declining sex ratio in India amply portrays the discrimination shown towards women at the stage of birth. They are victims of crime directed specifically at them, rape, kidnapping and abduction, dowry-related crimes, molestation, sexual harassment, eve-teasing, etc. It is realized that the long run supremacy of male over female in all respect in the patriarchal society in India is highly responsible for arresting the empowerment of women. Women are being trafficked for sex, harassment at workplaces and tortured in family and society. The paper has attempted to find out the Indian perspectives women exploitation in modern society.<sup>9</sup>

The status of women in Modern India possesses a paradoxical picture. As compared with past women in modern times have achieved a lot but in reality they still have to travel a long way. Earlier the status of women in India as a whole was very low when compared to their male counterparts due to several socio-economic and cultural factors like dominance of male chauvinism in the society, non-existence of employment opportunities, lack of education, absence of absolute property rights, social prejudices, social evils like sati, Jauhar, pardha, child marriage, denial of remarriage to widows and restriction on girl education, etc. During the Vedic Age, women were accorded an honored place in the society. Lopamudra, Apala and Viswambara were the most enlightened women of that age who have surpassed their male counterparts. The status of women in the Vedic Age was high. They were instrumental in all the decision making process in their provinces. They were respected and placed in the highest esteem. Women enjoyed equal status and rights during the early Vedic period. However, later (approximately 500 B.C.), the status of women began to decline with the Smriti's (especially Manusmriti) and with the Islamic invasion of Babur and the Mughal empire and later Christianity curtailing women's freedom and rights.<sup>10</sup>

With the rise of Brahmanism and due to conflicting religious and social thoughts, the place of women remained subordinate and unsatisfactory.<sup>11, 14</sup> The status of women in modern Indian society regarding Equality, Education, Health, Employment, Marriage and Family life, Race and Gender, Religion and Culture is maintained or deteriorated. It also

explores that as the society is developed in 21st century the position and respect of women is deteriorated after so many constitutional provisions. At present a number of women's organizations have created a sense of consciousness for gender equality but rape, dowry deaths, humiliations, honour Killing domestic violence and other atrocities against women have become common in our society today. Women constitute half of the population and their contribution to the country's economy is tremendous. But their number in the parliament is just around 8 percent which is highly minimal. Now the government of India has been implementing various schemes and programmes for the welfare and empowerment of women in the area of Poverty, Alleviation, skill up gradation, development and sustainable income generation, education. Health services, awareness generation, legal literacy and support services. Development and empowerment of women has been a thrust area in five year plan. But even after so many implementation and provisions position of women is not satisfactory. Recently the Gang Rape in Delhi, after it gang rape in Mumbai, we heard in news every day at least one news of gang rape, no preventative measure is present in the society. In Indian society, there is very little value for the fact that in the totality of things, men and women have different qualities, they are complementary to each other and their relationship should not be one of superior and subordinate. As compared to man's greater muscle power, women have greater capacity to care and nurture. Women live longer and can withstand more stress; they have more patience, perseverance and tenacity. They have fewer egos, and more capacity to give service, and these are attributes which form the essence of being.<sup>12</sup>

Indian constitution guarantees equal rights to men and women. Articles 14, 15 and 16 of part III of our constitution guarantee right to equality, but this constitution and articles are only bookies not practical. We found women confined to the narrow four-walls of the home to ancient period to modern period. But time to time this picture slowly change, because different policies, recommendations like educational commission of 1881-82, Radhakrishnan commission 1948-49, Mudaliar commission 1952-53 Kothari commission 1964-66. The National Education Policies (1968, 1986) have strongly recommended the need for spreading education among girls. Indian Government take different developmental Schemes and Programmes for women-Kanya Vidya Dhan Yojna, Kasturba Gandhi Education Plan, Baalika Samridhhi Yojna, Girls Empowerment Scheme, Women Reservation Bill, National Women's Commission etc. This policies and Schemes, Programmes helps us to find out different ways development and empowerment of women. 2013 state that 19% increase in girls enrolment over 2002 total enrolment. This statistics is hope full for us, so here I can totally focus my topic is Policies and Recommendations of Women Education in the context of modern Indian History.<sup>13</sup>

Women's in India now participate in all fields such as education, sports, politics, media, art and culture, service sectors, science and technology so the status of women's human rights in India has been subject to

many great changes over the past few years. India today is at the cusp of a paradigm change in its growth and its position in the world. Both men and women act decisively to capture this opportunity. India need to think big and scale up rapidly in each and every area, So India put a special focus on empowering women and girls, because we believe they hold the key to long-lasting social change in communities. Be it education, infrastructure, industry financial services or equality of both genders. Today women with their smartness, grace and elegance have conquered the whole world. They with their hard work and sincerity have excelled in each and every profession. Women are considered to be more honest, meticulous, and efficient and hence more and more companies prefer hiring women for better performance.<sup>14</sup>

### Concept of Women Empowerment

The origin of women Empowerment was raised up in the civil right of movement in the USA in 1960s. But India accepts this concept after 1980s. This concept is explained in various ways according to their own view by prominent experts in the different fields. The term 'empowerment of women' defined by prof. C.N. Sankar Rao is as follows: (1)The term "empowerment of women" refers to the process of providing power to women to become free from the control of others, that is, to assume power to control her own life and to determine her own conditions.(2) The term "empowerment of women" could also be understood as the process of providing equal rights, opportunities, responsibilities and power positions to women so that they are able to play a role on par with men in society. In the present context of Empowerment of women, Doshi and Jain said "Women are empowered through women emancipation movement, education, communication, media, political parties and general awakening." The Empowerment of women has become one of the most important topics in the present context of India, as well as of the world. Government of India has been trying to ensure gender equality without discrimination of men and women. Sometimes, we see men are gainer and women are loser in the various fields of Indian society. The ancient famous book Vedas reminds us that 'JATRA NARI PUJJANTE RAMANTE TATRA DEVATA,' that means wherever woman is respected, God resides there. It further explains that no nation can prosper and develop without respecting women. India can respect women and can give equal right with men. The term Empowerment of women refers to the development of the spiritual, social, political, economic strength, decision making, rights and human dignity of all women. The women empowerment has been growing up day by day after the independence, as a result Indian women live in standard.<sup>15</sup>

### Women's Economic Empowerment

Economic empowerment is the capacity of women and men to participate in, contribute to and benefit from growth processes in ways which recognize the value of their contributions, respect their dignity and make it possible to negotiate a fairer distribution of the benefits of growth. Economic empowerment increases women's access to economic resources and opportunities including jobs,

financial services, property and other productive assets, skills development and market information .

Women's economic participation and empowerment are fundamental to strengthening women's rights and enabling women to have control over their lives and exert influence in society. It is about creating just and equitable societies. Women often face discrimination and persistent gender inequalities, with some women experiencing multiple discrimination and exclusion because of factors such as ethnicity or caste. Social and political factors have a significant influence on women's ability to participate in the economy. These include; access to family planning and other healthcare services; social protection coverage; girls' completion of a quality post-primary education; improving literacy rates of adult women; and, increasing women's influence in governance structures and political decision-making. Many of these dimensions are mutually dependent and reinforcing. Cultural barriers, including discriminatory practices and attitudes, also need to be actively identified and tackled.<sup>16</sup>

Economic empowerment constitutes one of the fundamental building blocks in efforts towards the overall empowerment of women. Participation in formal economic activities on terms and conditions which reflect the productive capacity of women, and their control over their own incomes, are some of the important dimensions of economic empowerment...Access to earned income improves women's position within the household substantially, gives them greater control over the distribution of such earnings and household resources, and generally improves their status and strength in society as well as their own self esteem. The ability to earn income from outside and to engage in activities other than household-oriented ones can lead to significant social change in the long run. Where women are generally denied the ownership of property and control over assets, the ability to earn outside income can become an important instrument for the transformation of gender relations and challenge many traditional modes of social and economic relations.<sup>17</sup>

Social empowerment, Gender equality and empowerment of women requires changes in attitudes and actions on the role of women and men, girls and boys in household tasks and care-giving, and attitudes to intra-household gender inequality in nutrition and education. Greater action is required to end discriminatory practices such as requirements of dowry, early marriage. Eradicating violence against women and girls requires stronger efforts to end domestic violence, and change physical and social environments that can create perceptions of threat or fear of violence outside the home.

Discrimination against women that starts before birth, through the practice of sex selection, has resulted in a rapidly declining child sex ratio (CSR), which has become an urgent concern. In India, the CSR has fallen to 919 girls per 1,000 male children in the 2011 Census and there are a number of states and districts where the figures are even more distressing. Among the main reasons responsible for this situation is the son-preference that prevails in India and the less than equal access that girls have to

food, nutrition, health care and education and employment.

Trafficking of minors is another major issue. According to official estimates, at least 40% of the three million women in prostitution are underage. Violence against girls has also been rising. Reported child rapes have increased steadily from 2,113 cases in 2001 to 7,112 cases in 2011, when it represented about 30% of all reported rapes. Violence in public spaces in general is on the increase and women and girls face sexual harassment and assaults in public spaces every day.<sup>18</sup> According to a study undertaken by UN Women for Delhi, nearly 95% women ranked public spaces as unsafe and 73% said they feel unsafe in their own surroundings.<sup>19</sup> Women also face violence at home. Dowry related violence is widespread with the National Crime Records Bureau reporting 8,233 dowry harassment deaths in 2012, while unofficial figures are at least three times as high. According to the National Family Health Survey (NFHS-3), 35% of married women aged 15–49 in 2005–06, had experienced physical spousal violence.

The problem of child marriages remains a significant challenge to achieving gender equality. States such as Kerala have started to address this issue by prohibiting registration of marriages of couples marrying below the legal age requirements. However, India continues to be one of the 20 countries with the highest prevalence of child marriages in the world, with a 47% prevalence rate between 2001 and 2011.<sup>20</sup>

#### **Constitutional Provisions for Women**

In spite of women contribution in all spheres of life and they enjoy a unique position in every society and country of the world, but they suffer in silence and belong to a class which is in a disadvantaged position on account of several barriers and impediments. India, being a country of paradoxes, is no exception. Here too, women, a personification of Shakti, once given a dignified status, are in need of empowerment. Women's empowerment in legal, social, political and economic requires to be enhanced. However, empowerment and equality are based on the gender sensitivity of society towards their problems. The intensification of women's issues and rights movement all over the world is reflected in the form of various Conventions passed by the United Nations. In India, the Constitution makers while drafting the Constitution were sensitive to the problems faced by women and made specific provisions relating to them. In various articles, not only mandates equality of the sexes but also authorizes being discrimination in favour of women and children to make up for the backwardness which has been their age-old destiny. But categorical imperatives constitutionals by the Founding Fathers are not self acting and can acquire socio-legal locomotion only by appropriate State action. Our Constitution is the basic document of a country having a special legal holiness which sets the framework and the principal functions of the organs of the Government of a State. It also declares the principles governing the operation of these organs. The Constitution aims at creating legal norms, social philosophy and economic values which are to be affected by striking synthesis, harmony and

fundamental adjustment between individual rights and social interest to achieve the desired community goals.

#### **Constitutional Provisions for women are as under**

1. Article 14, confers on men and women equal rights and opportunities in political, economic and social sphere and also this article provides equality before law that is no person in the state will be denied equality before law and equal protection of the law. Thus, women in Indian society enjoy the same protection and treatment as men which are guaranteed by the constitution.
2. Article 16, provides for equality of opportunities matters relating to employment or appointment to any office under the state. In this case a reference may be made to the case of C.B. Muthamma v Union of India, AIR 1979 SC 1868, where the rules requiring female employees to get permission before marriage and denial of right to employment to married women were held discriminatory and violative of Article-16 of the constitution. Justice V. R. Krishna Iyer declaring this rule to be in defiance of Article-16 went on to observe: "if a married man has right to a married women other thing being equal, stands on no worse footing. This inferior posture is hang over by the masculine culture of threatening the weaker sex forgetting how our struggle for national freedom was also a battle against women's slavery. Freedom is indivisible, so is Justice, that our founding faith enshrined in Article-14 and 16 should have been tragically ignored vis-a vis half of India's humanity, namely our woman is a sad reflection on the distance between constitution in the book and law in action. He went on to observe further that "we do not mean to universalize or dogmatize that men and women are equal in all occupations and all situations and do not exclude the need to dramatize where the requirements of particular employment, the sensitivities of sex or the peculiarities of societal sectors or the handicaps of either sex may compel selectivity. But save where the differentiation is demonstrable, the rule of equity must govern."
3. Article 39(a)(d), mentions policy security of state equality for both men and women the right to a means of livelihood and equal pay for equal work for both men and women. In Uttarakhand Mahila Kalyan Parishad vs state of UP, it was held that female teachers are entitled to the same salary as is paid to the male teachers of the same institution. Again the state has enacted the Equal Remuneration Act, 1976 to give effect to these Directive principles.(Uttarakhand Mahila Kalyan Parishad VS State Of UP).
4. Article 42, Direct the State to make provision for ensuring just and humane conditions of work and maternity relief. The constitution incorporates a vey important provision for the benefit of women and the state has tried to implement this directive by enacting the Maternity Benefit Act, 1961 provides a Woman is entitled 12 weeks maternity leave with full wages.<sup>21</sup>
5. To promote justice, on a basis of equal opportunity and to provide free legal aid by

suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A).

6. 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 (Article 46) .
7. 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 (Article 51(A) (e).
8. 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 (Article 243 D(3)).
9. (Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))

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 Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3)).

Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4)).<sup>22</sup>

#### **Protection of Women's Human Rights by the Constitution of India.**

The constitution of India confers special rights upon women. The constitution makers were well aware of the subordinate and backward position of women in the society. They made some efforts for uplift of women in our society. Indian Parliament over the years have taken significant steps for through legislations to achieve the goal of empowering the women in India. The significant among them are the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning the rights of) Prevention Act, and the Dowry Prohibition Act etc. Apart from these, the 73rd and 74th Constitution (Amendment) Acts<sup>23</sup> provided for 33% reservation for women in both Panchayat and Nagarpalika institutions as well as for the positions of chairpersons of these bodies. These two amendments removed the bottlenecks from the paths of women empowerment at the local level. In fact it has been found that the Karnataka sends maximum number of women to the PRIs followed by Kerala and Manipur. In order to facilitate equal participation of women at the national and state level politics, the bill providing for 33% reservation of seats for women in national and States legislatures has been introduced in Parliament. Besides this, the government in India have enacted a variety of laws like Dowry Prohibition Act, Sati prevention act etc to guarantee the rights of the women.<sup>24</sup>

Special rights are being given to women as compared to men, yet they are least beneficial to them. WOMEN HUMAN RIGHTS IN INDIA:

1. Right to Equality.
2. Right to Education.
3. Right to live with Dignity.
4. Right to Liberty.
5. Right to Politics.
6. Right to Property.
7. Right to equal opportunity for Employment.
8. Right to free choice of Profession.
9. Right to Livelihood.
10. Right to work in equitable Condition.
11. Right to get equal wages for Equal work.
12. Right to protection from gender Discrimination.
13. Right to social protection in the eventuality of retirement, old age and sickness.
14. Right to protection from inhuman treatment.
15. Right to protection of health.
16. Right to privacy in terms of personal life, family, residence, correspondenc etc
17. Right to protection from society, state and family system.

Human rights are those minimum rights which are compulsorily obtainable by every individual as he/she is a member of human family. The constitution of India also guarantees the equality of rights of men and women. However, in the sphere of women's human rights in India, there exists a wide gulf between theory and practice. Indian society is a male dominated society where men are always assumed to be superior in society. The women in society very often have to face discrimination, injustice and dishonor. Though women in India have been given more rights as compared to men, even then the condition of women in India is miserable .The human rights of women in India and that how all the fundamental rights given to the women are being violated in India by focussing on the various crimes done against them. The constitution of India has granted equal rights to the men and women. "According to article 14-The state shall not deny to any person equality before law or the equal protection of laws within the territory of India." But today, it seems that there is a wide gulf between theory and practice. The women in India have always been considered subordinate to men .Though the articles contained in the constitution mandates equality and non-discrimination on the grounds of sex, women is always discriminated and dishonored in Indian society. Although various efforts have been taken to improve the status of women in India, the constitutional dream of gender equality is miles away from becoming a reality.<sup>25</sup>

#### **Conclusion**

Women in India are not treated as equally as men. They are legally or constitutionally equal as male. But there is a social barrier which still discriminates between men and women. As long as the problems of women remain as women problems, and not as social problems, the attempts at the solution of these problems do not get the fast speed. Indian women are socially politically economically are equal to men. They have to change their mindset and come out of the shackles of social evils. After that they get greater freedom, better, better education, self

reliant, independent, good jobs better treatment from men. It will only happen when they develop courage, power among themselves and not entertain any discrimination and raise their voices against any discrimination. It will definitely influence their social status and the socio economic conditions in the days to come.

Through this research we have found that as the time changes women's rights also have undergone a wide changes. Indian women have mastered anything and everything which a woman can dream of. But she still has to go a long way to achieve equal status in the minds of Indian men. With the changes in policies women's have become more powerful in various fields

Lastly we may say that "Empowerment means moving from a weak position to execute a power." Education of women is the most powerful tool of change of women's position in society. Education also brings a reduction in inequalities and functions as a means of improving their status within the family as well as in society.

"Mahatma Gandhi," Said "Educate a man and you educate one person; educate a woman and you educate a whole nation"

#### References

1. P. Dighe & S. Wadhvaniya, "The Unheard Voices- Empowerment of Women through Participation Socially, Economically, and Politically in India." An Online Journal of Humanities & Social Science, pp94-102, Vol.I, April (2013).
2. B.K. Barnwal, "Dr. B. R. Ambedkar's Quest for Gender Equality its Relevance in Contemporary Feminist Discourse." Online International Interdisciplinary Research Journal pp393-400, Vol.IV, Mar-Apr (2014).
3. S.A. Rehman, Chief Editor, Andhra Pradesh, "The Beauty of India" Reference Press, New Delhi, 2005, p.224.
4. S. Gupta, "Impact of Economic Development on Status of Women: An Analysis for India." International Journal of Business and Management Invention, PP.23-29, Vol.3, Feb (2014)
5. Dr. Ravi N. Kadam, "Empowerment of women in India -An attempt to fill the Gender Gap." International Journal of Scientific and Research Publications, Vol. 2, June (2012) , pp 1-3.
6. Ch. Sri Rama Murthy, " Status Of Women In India: Improved Or Deteriorated ." Asian Journal Of Multidisciplinary Studies, Vol. 2 , Dec(2014)pp 146-148.
7. MR..Timar Baran, " Indian Women's Past To Present A Chronological Study." The Journal Of Social Science Researcher , Vol. II ,Feb(2013),Pp5-9.
8. Martha Howell, " Production and Patriarchy in Late Medieval Cities" (Chicago & London: University of Chicago Press, 1986) ,pp 1-29.
9. M. Nagindrappa, Radhika M.K, "Women Exploitation in Indian modern society." International Journal of Scientific and Research Publications, Vol.3, Feb (2013), PP1-11.
10. Madhusoodan Tripathi , "Women Empowerment: Asocial Audit" Ancient Publishing House, (2011) New Delhi, pp.37-38.
11. R. Payday and Sarika Patel, "Women in the Unorganized sector of India", New century Publications,(2010 )New Delhi.pp121-125.
12. V. Nandal and Ms. Rajnish, "Status of Women through Ages in India", International Research Journal of Social Sciences, Vol. 3(1),Jan (2014), pp21-26.
13. Sampa Barman, "Policies and recommendations of women education in the context of modern Indian History", International Journal of Applied Research June (2015), vol.1,pp 786-788
14. Mamta Chandrashekhar "Socio-Political Changes and Woman's Human Rights in India", Journal of Social Welfare and Human Rights, Vol.1, Dec (2013),pp8-12.
15. Sujit Sarkar, A brief discussion on empowerment of women in India, International Journal of Multidisciplinary Research and Development (2015); Vol.2, pp 648-651.
16. Women's economic empowerment, "The OECD DAC Network on Gender Equality" (GENDERNET).
17. B.Shannan West, "Does Employment Empower Women? An Analysis of employment and Women's Empowerment in India." (Thesis), Aug (2006),pp1-79.
18. India, Ministry of Women and Child Development, (2014). "Trafficking for Women and Children for Commercial Sexual Exploitation.Country Presentation India. Government of India" Available from [www.unodc.org/pdf/india/IntJuristConfMsManjula](http://www.unodc.org/pdf/india/IntJuristConfMsManjula).
19. Jagori and UN Women (2011). Report of the Baseline Survey Delhi 2010, Part of the UN Women Initiative, "Safe Cities Free of Violence Against Women and Girls Initiative". Available from [http://jagori.org/wp-content/uploads/2011/03/Baseline-Survey\\_layout.\\_](http://jagori.org/wp-content/uploads/2011/03/Baseline-Survey_layout._)
20. United Nations Population Fund (UNFPA) (2012), "Marrying too young, End child marriage" Available from [www.unfpa.org/webdav/site/global/shared/documents/publications/2012/MarryingTooYoung](http://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/MarryingTooYoung).
21. Guruappa Naidu, "Violence against Women in India", New Delhi, Serials Publications,(2011), p. 23.
22. Rasida Begum, "Violation of Women Rights in India", International Journal of Humanities & Social Science Studies, Vol.I, Nov(2014), pp 216-224.
23. Mihra Sweta, "Women and 73rd Constitutional amendment act", A Critical Appraisal, Social Action, pp16-30 ,(1997).
24. Narayan Shashi S., "Gender Equality through reservation indecision making bodies," Social Action, pp.148 (1998).
25. R.Dhona, "Women human rights in India", International Journal in Multidisciplinary and Academic Research, Vol.1, Nov-Dec(2012),pp32-47.