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WOMEN EMPOWERMENT IN INDIA: A CONSTITUTIONAL AND LEGAL PERSPECTIVE

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“The glory of justice and the majesty of law are created not just by the constitution nor by the courts nor by the officers of the law nor by the lawyers but by the men and women who constitute our society who are the protectors of the law as they themselves protected by the law- Robert Kennedy”

Introduction

Women empowerment is a cornerstone of constitutional governance and social justice in India. India is a welfare State governed by a constitution which holds the pride of place in the hearts of its citizens. It lays special emphasis on the protection and well-being of the women community of society and seeks to improve their economic and social status on the basis of constitutional guarantees spelled out in its provisions. It shows a particular regard for women and children and notwithstanding the pervasive ethos of the doctrine of equality it contemplates special provision being made for them by law. This is only to be expected when an enlightened constitutional system takes charge of the political and socio-economic governance of a society, which has for centuries witnessed the relegation of women to a place far below their due. In India Women's role has been marginal in the Society, although they constitute half of the country's population. The empowerment of women is an essential objective to fully engage them in economic life an achieve sustainable growth throughout the world providing basic facilities to women is on from of empowerment.¹ The Indian Constitution guarantees equality and non-discrimination on the basis of sex and authorizes the State to adopt affirmative measures to promote the social, economic, and political advancement of women. Through Fundamental Rights, Directive Principles of State Policy, and various statutory laws, a comprehensive legal framework has been established to address gender inequality. However, despite these constitutional and legal safeguards, women continue to face structural and social barriers. This study examines women empowerment in India from a constitutional and legal perspective, focusing on the scope, effectiveness, and challenges of existing laws and policies. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard. Empowering women is the key issue in developing nations despite of the fact that women are as integral part of any society, yet their involvement in decision making via their active contribution in economic activities is very low². Women empowerment and economic development are interlinked where on one hand development alone can play a major role in driving down inequality between women and men while on the other hand empowering women can benefit development. Awareness is a process of self and social empowerment that moves women and others not only to activate the rights they do have, but to redefine and reshape that inadequate ones as expressed in practice³.

Concept of Women Empowerment

Women empowerment is a multifaceted process that enables women to gain autonomy, access resources, make informed decisions, and participate actively in social, economic, political, and legal spheres of life. According to Begum, empowerment involves enhancing women's ability to challenge existing norms and cultural barriers to promote their well-being and dignity within society, where they are often unaware of their legal rights despite constitutional guarantees of non-discrimination and equality. Similarly, Dr. Mukesh Kumar emphasizes that empowering women contributes to societal stability and national development by recognizing their vital roles in economic and social transformation. Thus, women empowerment in India is not merely about providing legal rights; it also involves creating conditions that foster

¹ Muhammad wagos Khalid (2020) socio economic sectors and women's empowerment :Evidence from Punjab, pakistan, international journal volume -34 2020 issue p-144-168

² saima khan (2018) women empowerment key to socio economic development ,International journal women empowerment 4(1) :5, (2018)

³ <https://www.narayanamedicalcollege.com/empowerment-of-women-through-legal-awareness-programme-for-women/>



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awareness, education, and freedom from social and structural inequalities so that women can fully exercise their constitutional and human rights.⁴

Constitutional and Legal Foundations for Women Empowerment in India

Social justice is a cornerstone of the Indian Constitution and plays a vital role in ensuring equality and fairness for all citizens. As enshrined in the Preamble, India is a sovereign, socialist, secular, and democratic republic committed to providing equal rights and opportunities without discrimination. While the Constitution guarantees equality before the law and equal protection of laws, women who constitute nearly half of the population have historically faced social, economic, and cultural disadvantages. Recognizing this, the Indian legal system grants women specific rights and benefits aimed at empowering them in education, employment, political participation, and social life. In addition to domestic provisions, India's commitment to international human rights frameworks further strengthens women's legal protections. Awareness and enforcement of these constitutional and legal provisions are essential for translating the ideals of social justice into tangible empowerment for women across the country.

Women Empowerment through Education and Technology in India

Empowerment of women is one of the concepts that has developed in connection with improving their status.⁵ In India, women constitute more than half of the population, yet a large number of them continue to live in poor and vulnerable conditions. Since Independence, women have faced multiple social, economic, and cultural challenges. Although the Government has implemented several women-empowerment programmes, these initiatives have not brought about significant improvement in the overall living conditions of women, particularly in rural areas. Empowerment of women is an important issue in current economic situation women empowerment is gaining importance in the world, women education and empowerment is very much needed for the economic growth of a country. An educated women will get opportunities and better status in society. Education women can help their bright future plan their house hold budget and save for their future⁶. This situation can largely be attributed to the lack of access to education, information, and emerging technologies. Therefore, the transfer of new technologies and knowledge to rural communities has become essential for empowering women with education, skills, and decision-making power. Women's education plays a crucial role in challenging social customs and traditions, improving family welfare, eradicating poverty, and ultimately accelerating national development.

Women and Social Status in Society

Women are one of the greatest gifts to humanity, yet in India, they have historically occupied a disadvantaged position due to social barriers, patriarchal norms, and systemic inequalities. Despite constitutional guarantees of equality, life, liberty, and dignity, women often face discrimination and exploitation in various spheres of life. While courts, commissions, and watchdogs provide remedial measures, these are often limited in scope. What is needed is a societal transformation based on gender justice, equality, and empowerment, where women can live healthy, dignified, and fearless lives. India's pluralistic and stratified society, shaped by traditions, caste, and patriarchal structures, has long marginalized women, treating them as subordinate or even as property. Although social attitudes have evolved over time and the legal framework now protects women's rights, atrocities and gender-based violence continue to persist, rooted in deep-seated notions of female "weakness" and inferiority. Promoting social awareness, gender justice, and equal opportunities remains crucial for improving the social status of women and achieving meaningful empowerment⁷.

⁴ umar, Mukesh. *Women Empowerment: Constitutional Provision. Legal Research Development: An International Refereed e-Journal*, vol. 1, no. III, Mar. 2017, pp. 102–112

⁵ R. Nisha & M. Asokhan, Empowerment of Tribal Women through Livelihood Development. Vol. 20, Issue 8, PP 06-10.

⁶ shanty SAVN Murthy (2019) Impact of socio economic development on women empowerment in india, International journal of engineering and advanced technology ISSN 2249-8958, Volume -8 Issue-3

⁷ Women &Law, Krishna Pal Malik, Allahabad Law Agency, First edition,2009.



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Role of Law in Empowerment Of Women

India, the second highest populous country of the world, comprises women as his half of the total. Women in ancient India, especially during the Vedic and Indus civilizations, received a great divine, honor and were worshipped as goddess. After some period the status of women had been gradually diminished. In contemporary India, It is very pathetic to note that even after adopting the Constitution, the Indian women did not, so far, get their due share; of Justice-social, economical and political, and Equality of status and opportunity; which they are entitled to. For no fault of hers, she has been suppressed and oppressed in every walk of life.

The Women are treated by the man in our society as entertaining elements. The atrocities being committed on woman are increasing day by day. For e.g., rape, violation of the modesty of the Women, adulatory and other sexual offences. And the blaming of the Women for not bringing the dowry, which leads to bride burning problem. Along the offence of race, the rapists are killing the Women which will come under offence of murder. The cruelty of the husband towards his wife is also observed in our society, in way of beating, torture and other improper ways, which is one of the grounds for divorce of the wife. The offence of immoral traffic on Women are increasing day-by-day, due to poverty, illiteracy and desires for luxuries life, which is shared by the real offender, the men.

Constitutional Provisions for Gender Equality and Women Empowerment in India

Women empowerment is the important thing to reinforce their participation in the choice- making which is the most vital key to socio- financial development⁸. Justice, liberty, equality, and dignity on the four main elements of free life stipulated in the Indian Constitution, they are the steps to the attainment of goals of welfare state and all efforts of the government are directed towards this end in view⁹. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres¹⁰. The fundamental law of the land namely Constitution of India guarantees equality for women. It would be proper to refer some of the most important legislations pertaining to empowerment of women.¹¹ India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women¹².

- ✓ Equality before law for women (Article 14)
- ✓ The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))
- ✓ The State to make any special provision in favour of women and children (Article 15 (3))
- ✓ Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
- ✓ The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))

⁸ Singh, K. (2022, January 07). Empowerment of Women in the Legal Profession in the Independent India

⁹ Dushyant Yadv, Protection of women from domestic violence in India , Indian Bar Review: Vol.XLI (1) 2014 ,p.105

¹⁰ Das, Bini (2025) *Gender Equality and Women's Rights in India: A Legal Examination of Constitutional Provisions*. EPH-International Journal of Humanities and Social Science, vol. 10, no. 1, 2025

¹¹ Veera Reddy Gade (1999) Public Interest Lawyering, Legal Aid and Para Legal Service, Sujatha Law Books Pvt.,LTD, Hyderabad, p.298-299

¹² Kumar, Mukesh. *Women Empowerment: Constitutional Provision*. Legal Research Development: An International Refereed e-Journal, vol. 1, no. III, March 2017, pp. 102-112



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- ✓ 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)
- ✓ The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)
- ✓ 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)
- ✓ (ix) The State to raise the level of nutrition and the standard of living of its people (Article 47) (x) 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))
- ✓ (xi) 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))
- ✓ (xii) 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))
- ✓ (xiii) 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))
- ✓ (xiv) 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))

LEGAL PROVISIONS

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'.

- Rape
- Kidnapping & Abduction for different purposes
- Homicide for Dowry, Dowry Deaths or their attempts
- Torture, both mental and Molestation
- Sexual Harassment
- Importation of girls (up to 21 years of age) (2) The Crimes identified under the Special Laws (SLL) Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

The Employees State Insurance Act, 1948

- ❖ The Plantation Labour Act, 1951
- ❖ The Family Courts Act, 1954
- ❖ The Special Marriage Act, 1954
- ❖ The Hindu Marriage Act, 1955
- ❖ The Hindu Succession Act, 1956 with amendment in 2005
- ❖ Immoral Traffic (Prevention) Act, 1956
- ❖ The Maternity Benefit Act, 1961 (Amended in 1995)
- ❖ Dowry Prohibition Act, 1961
- ❖ The Medical Termination of Pregnancy Act, 1971
- ❖ The Contract Labour (Regulation and Abolition) Act, 1976
- ❖ The Equal Remuneration Act, 1976



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- ❖ The Prohibition of Child Marriage Act, 2006
- ❖ The Criminal Law (Amendment) Act, 1983
- ❖ The Factories (Amendment) Act, 1986
- ❖ Indecent Representation of Women (Prohibition) Act, 1986
- ❖ Commission of Sati (Prevention) Act, 1987
- ❖ The Protection of Women from Domestic Violence Act, 2005

Women Empowerment in India: Constitutional Rights and Legal Awareness

In India, women are granted exclusive constitutional rights, and the legislature has enacted special laws to promote their development and empowerment alongside men. Today, women are demonstrating their talents in all fields and have the potential to contribute significantly to national development¹³. However, they continue to face social stigmas, limited literacy, and low awareness of their legal rights. Legal awareness is crucial for empowering women to claim justice, demand accountability, and seek effective remedies when their rights are violated. Awareness programs and legal literacy camps can help women understand their rights, duties, and privileges, enabling them to participate actively in decision-making processes that are vital for socio-economic development. By equipping women with knowledge of the law and promoting their active engagement in society, legal empowerment becomes a key instrument in reducing gender inequalities and reinforcing their integral role in shaping the nation's future.

Promoting Women Empowerment through Law and Awareness

In 21st century women are raised to occasion and placed in all fields i. e, politics, corporate business, banking, film making, navy, air force, and many more. The credit goes to the Indian constitutional makers. Women are talented on par with men. Women work force is needed very much in a country like India which is still under the status of developing country even after 75 years of independence. Indian women have occupied a prime places in other developed countries. Women should have legal awareness for enormous progress for the country.

Women have a significant and invaluable role in society and have long been associated with beauty. Women's contributions to the nation's development have changed over time, and legal laws have expanded their support for them as well. Women are targeted for harassment in the workplace despite these regulations and safeguards¹⁴. People need to have a legal culture in addition to legal principles, which helps to stop workplace harassment and atrocities against women. Therefore, it is necessary to raise women's awareness of the law about their job regulations in order to stop such harassment by pursuing civil and criminal cases against those responsible for atrocities.

Judicial Activism And Women Empowerment In India

Gender injustice is a problem that is seen all over the world. Whatever the causes may be, it is our duty of humans to protect the human rights of those who are victims. Women have been ill-treated in every society for ages and India is no exception. Indian judiciary feel convinced of the need for women's empowerment-by law and by legal means. The Constitution of India has taken a long leap in the direction of eradicating the lingering effects of such adverse forces so far as women are concerned.¹⁵ Our Constitution makes express provision for affirmative action in favour of women. It prohibits all types of discrimination against women and lays a carpet for securing equal opportunity to women in all walks of life,

¹³ Choudhury, Kisholoy. *Women's Inclusion in India: Constitutional and Legislative Frameworks*. RESEARCH HUB International Multidisciplinary Research Journal, vol. 12, no. 11, 2025

¹⁴ Nandi, Srikanta & Banerjee, Pallabi. *Indian Constitution and Women Empowerment: A Critical Review*. Bharati International Journal of Multidisciplinary Research and Development, vol. 3, issue 4, 2025, pp. 183–193

¹⁵ Begum, Umme Salma. *An Analysis on the Constitutional Mechanisms for the Empowerment of Women*. Journal of Legal Studies & Research, vol. 8, no. 5, Nov. 2022, pp. 124–138.



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including education, employment and participation.

According to analytical jurisprudence a court merely found the law or merely interpreted the law. Judges are applying the discretionary power to provide better justice to women in the new context of the Socio-Economic conditions. Judiciary has played an active role in enforcing and strengthening the constitutional goals towards protection/rights of the women of the land.¹⁶

Conclusion and suggestions

The empowerment of women is an essential objective to fully engage them in economic life achievement sustainable growth throughout the world, providing basic facilities to women in the form of empowerment. Empowering women is the key issue in developing nations despite of the fact that women are as integral part of any society, yet their involvement in decision making via their active contribution in economic activities is very low. Women empowerment and economic development are interlinked where on one hand development alone can play a major role in driving down inequality between women and men while on the other hand empowering women can benefit development. Empowerment of women is an important issue in current economic situation. women empowerment is gaining importance in the world, women education and empowerment is very much needed for the economic growth of a country. In India women are more than man, most of this woman are living in bad condition they are suffering various problems since independence; the Government has implemented several empowerment programmes to develop or empower the women. But they have not made any remarkable improvement in their living conditions. It can be mainly attributed to the non-availability of education and information on the emerging technologies. The constitution of India has been safe guarding rights and interests of women but women in India still under presumption that they are being discriminated lack of awareness. All States in India empowered through the constitution to take steps to empower the women from time to time. The women community should adopt awareness by virtue of their education or otherwise by the authorities who are being authorized to spread the legal awareness.

To further strengthen women empowerment in India, it is essential to enhance legal awareness through literacy programs and workshops, ensuring women understand their constitutional and legal rights. Education and skill development must be prioritized to enable economic independence and active participation in society. Effective enforcement of existing laws, coupled with accessible judicial support, can protect women from exploitation and harassment. Promoting political representation and addressing social and cultural barriers are also vital for creating an environment of equality. Additionally, leveraging technology for legal information and grievance redressal can bridge gaps between legislation and practice, making empowerment meaningful and sustainable.

¹⁶ Jessy Kurian, “Sexual harassment of working Women”, Legal News and Views, Vol,18,No.4 at 15(2004).