



Constitution Protection Of Women In India

Doli Rani Chiring

Assistant Professor

Dept. of Political Science

Machkhowa Degree College

Machkhowa, Dhemaji.

Abstract:

The Constitution of India has ensured equal status to all i.e. not only between men and men, women and women, but also between men and women. But the basic question is that how far we have been able to achieve the objectives provided by the constitution. In view of this, an attempt has been made to acquaint the Indian women with the constitutional provisions relating to them, so that they can fight for the rightful cause or justice, it is clear that all the provisions of the constitution are applicable to both the persons, i.e. men and women. But there are some of the provisions which exclusively deals with the women only.

Keywords: Article, Constitution, equal, protection, women.

Introduction:

Constitutional Protection of the women in India:

The Constitution of India guarantees to all its citizens equality before the law and the equal protection of the law within the territory of India. All the men and women are equal before the law and therefore law protect them all.

Protection to women and Article 14

The Constitution of India under Article 14 Prohibits class legislation but permits reasonable classification. Keeping in view such classification and the basic object of the legislation “women” can be treated as a class and special law can be made in their favour. Various Provisions under the different legislations have been declared valid and within the framework of the constitution, where women have been given special treatment.

Protection to women under Article 15

Article 15(1) of the Constitution Prohibits the state from making discrimination against any citizen on the ground of religion, race, caste, sex, place of birth or any of them.

Article 15(2) Provides that no Citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability liability, restriction or condition with regard to any access to shop, restaurants, hotels and places of entertainment. Further Article Prohibits any discrimination with regard to use of well, tank, bathing, place of public resort, etc.

Article 15(3) is the exception of the general rule laid down in clauses (1) and (2). According to Article 15(3) nothing in Article 15 shall prevent the state from making any special provisions for women and children.

Protection to Women and Article 16

Article 16(1) Provides equality of opportunity in matters relating to employment or appointment to any office under the state.

Article 16(2) Provides Specific grounds on which citizens are not to be discriminated against each other in matter of opportunity and office under the state. These are religion, race, caste, sex, decent, place of birth and residence or any of them.

Protection of Women Against Exploitation:

Article 23 of the constitution provides for prohibition of traffic in human being and forced labour. Very next Article 24 further prohibits employment of any child below the age of 14 years whether he or she is male or female child, to work in any factory or mine or engage in any other hazardous employment. The provision under the Mines Act, 1952 or the Factories Act, 1948 prohibits the employment of female child below the age of 14 years as well. Protection to the women under part IV of the constitution of India.

The Constitution of India did well by declaring in its preamble its desire to secure justice, Social, economic and political to secure equality. of status and opportunity and did its best to ensure translation of these objectives in to reality by incorporating provisions ensuring equality of status and of opportunity in the field of education, public employment and participation in political life.

The Directive Principles of state policy in part IV of the constitution lay down certain economic and social goals to be achieved by the Government whether it is central Government or the state Government. The moral rights embodied in part IV are equally an essential feature of it.

Article 37 lays down that "The Directive Principles are never the less fundamental in governance of the country and it shall be the duty of the state to apply these principles in making laws.

Article 38 (2) clearly provides that:

The state shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only among individuals but also amongst groups of people residing in different areas or engaged in different vocations.

Article 39 Provides that the state shall, in particular, direct its policy towards securing -

- (a) That the citizens, men and women equally have the right to an adequate mean of livelihood, other clauses of the Article lays down;
- (b) That there is equal pay for equal work for both men and women; and
- (c) That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocation unsuited of their age or strength.

Article 40 of the constitution further lays down that the state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. Reservation of seats for women in panchayats and municipalities have been provided in Article 253-D and Article 243-T of the constitution of India.

Another Article 44 protects the interest of the women. Article 44 endeavour provides: "The state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India".

In Part IV-A, the Constitution deals with the fundamental duties, Article 51A(2) relates to women. It lays down that, "It shall be the duty of every citizen of India to Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religion, linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women.

Besides these constitutional provisions other provisions have been made under various legislations. Several commissions have been set-up by the government to look into the matter of status of women in the Indian society. The protection of Human Right Act 1993 gives a very wide and comprehensive definition of human right as right relating to life, liberty, equality and dignity of the individual guaranteed by the constitution of India.

References:

1. The constitution of India, 1950, Article 14,15 (1), 23, 39-A and 42.
2. The Constitution of India, 1950, Art. 14
3. The constitution of India, 1950, Art. 16 (1)
4. Yagin, A and Anwar, B, "Protection of women under the Law P 11, 1982.
5. Part IX and IXA have been added to the constitution by the constitution (73rd Amendment) Act 1992 and the constitution (74th Amendment) Act 1992 popularly known as the panchayat Raj and Nagarpalika constitution Amendment Acts with Articles 243, 243-A to 243-D and Articles 243 - P to 243 ZG.
6. Myneni, S.R., "Women and Law", (2002) at P. 22.