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A Constitutional and Legal Analysis in
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Women Empowerment through Education: A Constitutional and Legal Analysis in India

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ABSTRACT

The imbalanced sex ratio in India is responsible for discrimination in all aspects of life in India. There is a severe and deep-rooted division and discrimination based on sex and caste in the Indian social system. The framers of the Indian Constitution have built protective and affirmative provisions for the empowering of women. These protective clauses and provisions have enabled a shift in the positive direction to the inclusive development of women in India. Despite constitutional provisions and development policies for women in the post-independence period, women continue to be educationally, socially, economically and politically backward. The empowering of women socially, educationally, occupationally, politically and economically, and in the control over resources is part of the process. Several of the more advanced or progressive groups as well as women's organizations have fought for the socio-economic structural changes of an egalitarian and socialist nature in the country. The lack of women's representation in all the legislative bodies is a negation of democracy. The affirmative measures in the education, employment, economic and political domains of women's activities or sectors should be considered as the most certain means of empowering women. A positive correlation between an improvement in social and economic status and an increased rate of participation of women has been well documented by

researchers in India. That is the significance of women's empowerment.

KEYWORDS

Women's Empowerment, Gender Inequality, Sex Ratio in India, Gender Discrimination, Caste and Gender Division, Indian Constitution, Affirmative Action, Women's Representation, Socio-economic Development, Women's Education, Political Participation of Women, Gender Justice

INTRODUCTION

The condition of women serves as the most significant indicator of a nation's progress." - Pt. Jawaharlal Nehru. The status of women reflects a country's social, economic, and psychological development. In many religious texts, women are often depicted as embodiments of goddesses. However, in reality, they have faced injustice and inequality throughout history. In earlier societies, social crimes such as dowry, Sati, child marriage, and female feticide were common. With the spread of education and increasing awareness among women, there has been gradual progress. Today, women are making strides and achieving success in all areas of life. In Indian culture, women are revered as goddesses. However, in recent decades, there has been a rise in crimes against women, putting their safety and security at risk. In India, crimes against women occur every minute. Over time, from ancient and medieval periods to the modern era, the status of women has worsened further. It is particularly true that every day, countless women and girl children are victims of various forms of violence and atrocities."

MEANING OF WOMEN EMPOWERMENT

Women empowerment defined — Women empowerment is about giving women the right and autonomy to make their own decisions about their lives, socially, economically, politically, etc. Women must have the freedom of equality, and the privilege of rights, respect, and opportunities like men. Women empowerment is the process of enabling women and creating a conducive social milieu so that women can make decisions independently or in groups. Women should be free to decide on their own rights, concerns, and priorities. To make a society healthy and strong, the weaknesses must be treated from the core. In the case of women empowerment, there are a number of challenges that include a male dominated perceptions, social vices, arrogant customs, and superstitions etc. Furthermore, social customs like purdah, dowry, illiteracy, domestic violence, and many others are serious

impediments to women empowerment. Therefore, to bring real and effective change in the society, all of the aforementioned malpractices need to be put to an end. Furthermore, we must all work together and dedicate ourselves to the women empowerment cause. Women empowerment is Nation and Society empowerment, and remember, after complete women empowerment, women will be able to work like men, at all.

CONSTITUTIONAL PROVISIONS SUPPORTING WOMEN'S EDUCATION

A number of Articles of the Constitution are there towards the socio economic development of women and upholding their political right and participation in decision making.

- **Article 14**

Men and women to have equal rights and opportunities in the political, economic and social spheres.

- **Article 15(1)**

Prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc.

- **Article 15(3)**

Special provision enabling the State to make affirmative discriminations in favour of women.

- **Article 16**

Equality of opportunities in matters of public appointments for all citizens.

- **Article 39 (a)**

The State shall direct its policy towards securing all citizens, men and women, equally, the right to means of livelihood.

- **Article 39(d)**

Equal pay for equal work for both men and women.

- **Article 42**

The State to make provision for ensuring just and humane conditions of work and maternity relief.

- **Article 51[(A)(e)]**

To renounce the practices derogatory to the dignity of women.

LEGAL FRAMEWORK SUPPORTING WOMEN'S EDUCATION

In India, Women Empowerment is assisted by many Constitutional Provisions, Government Schemes and Initiatives and other Legal Aspects.

1. Constitutional Provisions

Article 14 deals with the principle of equality before law, while Article 15 deals with prohibition of discrimination and reservation for women, and Article 16 deals with the aspect of equal opportunity in matters of employment in the State. Article 39 (d) speaks about remuneration of unskilled diversified work and heavy, mental or muscular task at rates not less than those attracting the minimum penalty for deficiency in the payment of wages provided in an industrial and disciplinary relation law, while Article 42 deals with provision of just and favourable condition of work and maternity relief.

2. Government Initiatives

Several Government Schemes and Programmes have been initiated to make sure that there is no discrimination against women in the society as well as in the official circle. The most important amongst these are:

- ***The Protection of Women from Domestic Violence Act 2005***

Offers a new source of legal remedies for victims of domestic violence; the Nirbhaya Scheme has contributed to an atmosphere where the State is more likely to enforce the law and deter violation of gender rights; but enforcement in any case remains a long way off.

- ***The Maternity Benefit (Amendment) Act 2017***

Extended paid maternity leave from 12 to 26 weeks and requires employers to provide crèche facilities for women, to facilitate their continuing at work and managing childcare needs.

- ***The Beti Bachao Beti Padhao***

Scheme is a campaign launched by the central government of India in order to improve the Child Sex Ratio (CSR) and to promote education for girls which is resulting in increase in female literacy and number of girls going to schools in various states.

- ***Mudra Yojana***

The scheme aims to expand the reach of credit. As of 2024, 68% of loans issued under the Pradhan Mantri Mudra Yojana scheme were given to women. Stand-Up India The programme mainly supports women entrepreneurs by providing them with the scope to start new businesses. The Mahila E-Haat aims at providing women with easier market access, to help in the promotion of their handmade products.

- ***Mission Shakti***

Focuses on converging schemes relating to women safety, women security & women empowerment including One Stop Centres (OSCs). So far, more than 725 centres in Odisha have provided legal, medical & psychological aid to women affected by crime & violence.

- ***The Nari Shakti Vandan Adhiniyam 2023***

Was enacted to ensure that there was at least a 33% reservation of women in the Parliament and State Assemblies, a move considered a giant leap for gender justice and balance in governance, post the delimitation exercise.

- ***Digital and Technology Initiatives***

Drone Didis, is a programme that uses technology in a transformative way to promote the adoption of technology, digital entrepreneurship and increase the income-generating opportunities for women living in rural areas and those engaged in agriculture in non-agricultural value chains.

- ***Other Scheme***

The Government of India has launched several schemes to uplift and save women in India and some of them are as follows: - Swadhar Geh Nari Shakti Puruskar POSH Act Ujjawala Scheme POCSO Act Sakhi Niwas Vishaka Guidelines Sukanya Samridhhi Yojana Mahtari Vandana Yojana etc.

CHALLENGES IN WOMEN'S EDUCATION

Women empowerment in India has to deal with multiple

challenges like social, cultural, economic and structural. There are many challenges that have to be addressed to ensure women's empowerment. Apart from the social barriers, women empowerment in India has to overcome cultural barriers too. One of the key challenges is the numerous women empowerment difficulties that women encounter on a daily basis. Some of the major Women Empowerment Difficulties are :

- ***Labor Force Exclusion***

As it stands, 90% of women in India are engaged in informal work with no access to social security, maternity benefits or job security. Despite the labour force participation rate of working age women increasing to 41.7% in 2023-24 from 32.6% in 2009-10, it is still vastly lower than that of men and 4% points below the world average of 48.7% thereby perpetuating the cycle of economic marginalization.

- ***Feminisation of Agriculture***

In 2025, women constitute over 42% of India's agricultural workforce, which is an increase of 135% over the last decade. It is often referred to as the 'feminisation of agriculture'. What does this term really mean and what implications does it have on our society? A deeper look at this concept reveals that majority of the women engaged in farming do not have access to land, credit or meaningful participation in the farm. Therefore, despite their increasing contribution to the production of food, they are rewarded with unpaid or highly underpaid work.

Women constitute only about 13.6% of the 18th Lok Sabha. Women constitute an even smaller percentage of members in the state legislatures. The sarpanch-pati system that arises in Gram Panchayats is a big obstacle to an elected women sarpanch. Also the non-implementation of the 33% reservation law is another major cause of the women's political underrepresentation.

The NFHS-5 highlights the persistence of health inequality facing women, including a high rate of anaemia: 57% of women aged 15-49. Conclusive evidence of high anaemia impacting the health of women and their productivity has been demonstrated consistently in previous surveys. While maternal mortality rates have fallen to 97 deaths per 100,000 live births between 2015 and 2019-21, the rates of malnutrition as well as lack of preventive health care measures mean women's health is often compromised.

- ***Educational And Skills Gaps***

The gross enrolment rate for higher education is estimated to be around 28.5 per cent, with women underrepresented in the fields of science, technology, engineering and mathematics. Skills are being hindered due to early marriage, care duties and a lack of career guidance, with education not translating into decent job opportunities.

- ***Digital and Infrastructure Exclusion***

51.6% of rural women do not have access to a mobile phone which impacts their access to a range of digital resources such as education, banking and e-governance. A whole host of advantages are being lost out to the large sections of rural women, due to the exclusion from the digital revolution and the infrastructure required to access new economic opportunities. As a result, rural women continue to remain at a disadvantage, having to rely on others to access basic services.

- ***Cyber Abuse and Online Harassment***

With the increase in digital resources, the practice of cyberstalking, bullying, and the use of AI to change Photos and Videos and doxing has become rampant, preventing women from fully taking advantage of online learning and employment opportunities as seen in the Grok AI Case. As a result of fear of online violence, women are becoming increasingly excluded from digital resources. The digital exclusion has instead encouraged fear of online learning and employment opportunities rather than empowerment of women.

- ***Gender-Based Violence***

India recorded over 4,45,000 crimes against women in 2022 including domestic violence and sexual assault. Low conviction rate and fear of social stigma mean many more crimes go unreported affecting women's ability to move about without fear and their empowerment and engagement in the social and public sphere.

CASE ANALYSIS

1. Vishaka v. State of Rajasthan

Important Judgement regarding Sexual Harassment at the Workplace. In this landmark judgement the Supreme Court gave a set of directions to prevent sexual harassment at workplaces.

The Supreme Court while interpreting Articles 14, 15, 19 and 21 of the Constitution directed that women have a right to a safe work environment. These directions later on led to The Sexual Harassment of Women at Workplace Act, 2013.

Significance

Recognized gender equality as a fundamental right.

Promoted safe workplaces which indirectly supports women's participation in education and employment.

2. Tukaram v. State of Maharashtra (Mathura rape case)

Mathura tribal girl custodial rape Judgment led to major public outcry in the country over the Supreme Courts decision to give a clean chit to the police officials and the judgment contributed to the enacting of the Criminal Law Amendment Act, 1983.

Significance

Strengthened legal protections for women. Encouraged legal activism and feminist movements.

3. National Legal Services Authority v. Union of India

The Supreme Court Monday ruled that transgender people constituted a “third gender” and confirmed their rights, including their right to education and reservations in educational institutions.

Significance

Expanded the concept of gender equality in education.

4. Ashoka Kumar Thakur v. Union of India

In an important ruling in India , the Supreme Court confirmed reservations in educational institutions for socially and educationally backward classes, reinforcing India’s affirmative action policy aimed at increasing access to education for marginalised groups, such as women.

CONCLUSION

Unless and otherwise the root cause of the evil practices prevailing against women in the Indian Society is understood and removed the gender equality and therefore women empowerment will not become a reality in the society that is heavily loaded with patriarchal and male domination values. It is high time for a

change of heart and mind in respect of evils prevailing against women and it is to be ensured that it is carried along with the provisions of the Constitution and other enactments. The education of women is a powerful tool in bringing about a change in the social status. It reduces the inequalities and it enhances the status of women in the family. It is necessary to see that the education of women is encouraged at all levels and that there should be no discrimination of gender while imparting knowledge and education. It is necessary to set up schools, colleges and universities exclusively for women in the State.

The Government must facilitate maximum support through scholarships, free hostel and residential facilities, free study materials and uniforms etc. to ensure more participation of girls from BPL most marginalized section of the society as well as to bring them at par with mainstream education.

It is time to keep our promise so that every little girl, no matter where she lives on our planet, can grow up and reach her full potential without barriers and without prejudice. So that no one ever has to doubt for a second that women can be the best heart surgeon or any other leader they choose to be.