



The role of Constitution and Law in Empowerment of Women and Social Justice for Women-A Sociological Study

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Abstract:

The Constitution and law of India has guaranteed social, economic and political rights to the women in order to promote equality of status and opportunity in all spheres. Equality in all spheres is inseparable from active political participation. The main objective behind this article is to know the role of Constitution and law in social justice and empowerment of women. Women need to be given equal opportunities in all sector of society, for like education and employment without any sense of discrimination . The focal point of this article is to promote equality. Women Empowerment is the vital instrument to expand women's ability to have resources and to make strategic life choices. In Today's scenario the empowerment of women has become one of the most important concerns of 21st century. For this study data collected through secondary sources. The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them.

Keywords: Female, Constitution, law, women, empowerment, social justice.

Introduction:

The concept of Social justice and empowerment of women is very important for women development. Justice is one of the most important moral and political concepts with no agreed definition. The claim for justice gains meaning in specific circumstances and cultural contexts. Justice is an evolutionary concept. It's interesting to know the change in the meaning of word justice from ancient Greek civilization to modern society. Also, justice means, 'Justice is the

correct application of a law, as opposed to arbitrariness'. By correct application of law, we mean to say "proper implementation of law". Justice can be attained in the society only by correct interpretation and implementation of Laws. Women empowerment all refer to the empowerment of women to take all decisions from their choice. So that she can take all of the decisions for her social and economic development. Empowerment of women will surely encourage all of the women to stand for their education and the life of their own choice. Our Indian Constitution and law role is very important to need a social justice and make the empowerment of women.

Objectives:

- To know the role of Indian Constitution and law in empowerment of women
- To know the role of Indian Constitution and law need the social justice for women

Method of Data Collection:

The current studies based on the secondary sources. The secondary data collected from the published research papers, journals, magazines, books, newspaper, and internet, etc.

Meaning of Constitution:

The basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it. a written instrument embodying the rules of a political or social organization.

Meaning of law:

Laws are created to serve society and shape morals; promote peace and public policies; facilitate freedom and future. The law plays palpable role by creating a norm of conducts in the society to protect its citizen from any injury. Law as an instrument of social change. Law is the reflection of the will and wish of the society. First is, "Law changing the society", which means that the law of the land compels the society to be changed according to it. And secondly is. "Society changes the law", as per its needs.

The Law is controlled and enforced by the controlling authority.

John Austin's law definition states "Law is the aggregate set of rules set by a man as politically superior, or sovereign to men, as political subjects." Thus, this definition defines law as a set of rules to be followed by everyone, regardless of their stature.

Hans Kelsen created the 'pure theory of law'. Kelsen states that law is a 'normative science'. In Kelsen's law definition, the law does not seek to describe what must occur, but rather only defines certain rules to abide by.

Meaning of empowerment:

Women's empowerment can be defined to promoting women's sense of self-worth, their ability to determine their own choices, and their right to influence social change for themselves and others.

Meaning of social justice:

The word 'Justice' is derived from a French word 'Jostise' which means uprightness, equity, vindication of right, administration of law.

The concept of justice is as old as civilization and society. There can't be existence of lawful society without the presence of justice. One of the most important pillars of any nation is justice. A lawful society can't exist without the presence of justice. It is one of the most important pillars behind the growth of any nation.

Justice means to give each and every person what they deserve. Justice and fairness are closely associated terms which are sometimes used in place of each other. Justice means the standard of rightfulness, by standard of rightfulness one means to say that the minimum threshold should be applicable of what will amount to right or wrong.

There have been historical evidences to prove that a civilized society can't exist without existence of Justice in its administration system. The civilizations which lacked the presence of justifiable system vanished with time. With the advent of time and progress in the society the need for inclusion of justice in the administrative system has increased due to which approach of those in power has become more cautious and systematic.

1. Constitutional Provisions for social justice and empowerment of women:

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14,

15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of special importance in this regard. Constitutional Provisions relevant to Social Justice & Empowerment of Vulnerable sections.

Constitutional Provisions:

- Article 23: Prohibition of traffic in human beings and forced labour.
- Article 24: Prohibition of employment of children in factories, etc.
- Article 37: Application of the principles contained in this Part (DPSP).
- Article 38: State to secure a social order for the promotion of welfare of the people.
- Article 39: Certain principles of policy to be followed by the State.
- Article 39A: Equal justice and free legal aid.
- Article 46: Promotion of Educational and Economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.

Social Safeguards:

- Article 17: Abolition of Untouchability.
- Article 25: Freedom of conscience and free profession, practice and propagation of religion.

Political Safeguards:

- Article 330: Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.
- Article 332: Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative.

Assemblies of the States:

- Article 334: Reservation of seats and special representation to cease after sixty years.
- Article 243D: Reservation of seats (in Panchayats).
- Article 243T: Reservation of seats (in Municipalities).

Agency for Monitoring Safeguards:

- Article 338: National Commission for Scheduled Castes.

2. Legal Provisions for social justice and empowerment of women:

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. These are broadly classified under two categories:

1.The Crimes Identified Under the Indian Penal Code (IPC):

- Rape (Sec.376 IPC)
- Kidnapping & Abduction for different purposes (Sec. 363-373)
- Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- Torture, both mental and physical (Sec. 498-A IPC)
- Molestation (Sec. 354 IPC)
- Sexual Harassment (Sec. 509 IPC)
- Importation of girls (up to 21 years of age)

2.Legislation related to Woman:

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:

- Abolition of Sati Act-1829
- The Hindu Marriage Act, 1955
- Civil marriage Act-1872
- Widow remarriage Act -1854
- The Married Women's Property Act-1874
- The Special Marriage Act-1954
- Hindu marriage Act-1955
- Hindu Succession Act-1956
- The Hindu Adaptation and Maintenance Act-1956
- Suppression of Immoral Traffic of Women and Girl's act of -1956
- The Dowry prohibition Act of -1961
- The Maternity Benefit Act-1961(Amended in 1995)
- The Medical Termination of Pregnancy Act, 1971

- The equal Remuneration Act-1976
- The Criminal Law (Amendment) Act, 1983
- The Family Court Act-1984
- Indecent Representation of Women (Prohibition) Act, 1986
- Commission of Sati (Prevention) Act, 1987
- Indecent Representation of Women Act-1990
- The national commission for women Act of -1990
- The Protection of Women from Domestic Violence Act, 2005
- The Prohibition of Child Marriage Act, 2006
- The protection of Women against sexual harassment at the workplace Act-2013

Some other important Legislation:

- Related to Human rights: The protection of Human rights Act -1993
- Related to Environment: The Environment Protection Act -1986
- Related to Good governance: The Right to Information Act-2005
- Related to employment Security: The MNREG act -2005
- Related to Food Security the National food Security act -2013

Problems /Issues for women empowerment and social justice:

- Lack of education
- Lack of awareness of law
- Lack of organization
- Delay in dispensation of justice
- Lack of change in society's negative view of women
- Male dominated society and culture
- Women have failed to take advantage of the government's women's empowerment programmes

Suggestions:

- Creating appropriate awareness about constitutional measures and laws to women
- Providing proper education
- Strong enforcement of laws
- Organizing women strongly

- Change in society's negative view of women
- providing justice for women in very early
- Creating awareness among government schemes to women

Conclusions:

To conclude we would state that enforcement of justice serves as a catalyst for better political life of a nation. The Empowerment of Women has become one of the most important concerns of 21st century not only at national level but also at the international level. For better democracy we need better implementation of justice. Without presence of all forms of justice any society can't develop as a constitutional society therefore keeping it in mind framers of our constitution included this concept in the preamble as well as in part III and IV of the Indian Constitution. Society must take initiative to create a climate in which there is no gender discrimination. If we want to bring about women empowerment in the true sense, there is a crying need for the elimination of the male superiority and patriarchal mindset. Totally social justice and empowerment of women is very important to develop the Indian society,

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