



Constitutional Impact on Gender Equality in India

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Abstract

Culturally diverse and traditionally rich India followed a revolutionary path towards gender equality in the early fifties in the post-independence era. Delving into the historical backdrop, constitutional provisions, and concrete results of this continuous fight for gender equality, this paper explores the significant influence of the Indian Constitution on this front. Gender inequality has long been an issue in India, perpetuated by laws, traditions, and social mores that enslaved women. Justice, equality, and fraternity were pillars of the Indian Constitution, which envisioned a more just society in its illuminating preamble. Women have been empowered through the legal enactments from time to time, which have been moulded by constitutional provisions, fundamental rights, and directive principles of state policy. The constitutional provisions that ensure women's rights, such as prohibition of discrimination, equal pay for equal work, and equal access to educational and occupational opportunities. It stresses the importance of the role of the court in the protection of fundamental rights and in delivering seminal rulings that have fought against discrimination.

Keywords: Indian Constitution, Gender Equality, Women's Rights, Fundamental Rights.

Introduction

Since the implementation of Constitution in 1950, India has undergone a remarkable process of societal development. The quest for gender equality, an aim ingrained in the constitution, is central to this conception of transformation. The historical background, key constitutional provisions, and concrete results of the continuous fight for gender equality in India had an enormous impact on these causes. Gender inequality has persisted in India for a long time due to laws, customs, and social mores that have kept women at a disadvantage. A more fair and just society might be built around the principles of justice, equality, and fraternity, which were enshrined in the Constitution of India. A new era of women's empowerment has dawned thanks to constitutional provisions, basic rights, and the directive principles of state policy. The constitutional protections that ensure women's rights and dignity are at the core of the issue. The right to equality, prohibition of discrimination, and equal opportunity in education and work are all guaranteed to women under the Constitution. The role of the court in protecting these rights, and seminal rulings have questioned patriarchal standards and discriminatory behaviours. Legislative changes and reservations for women in municipal government are two examples of these efforts. The results of these efforts include more women being involved in politics, better access to healthcare and education, and a shift in public opinion towards women's rights. We must not forget the ongoing difficulties and inequalities, even as we rejoice in these achievements. It is imperative that we address the pressing issues of gender-based violence, economic inequality, and the necessity of ongoing legislative changes and social transformations. In the fight for gender equality, the Indian Constitution is a guiding light. It



has sparked changes in the law, given women more confidence, and broken down the bias. Nevertheless, the edifice of achieving complete gender parity is a continuous one. In its never-ending quest for a fairer society in which women are recognised as equals, India faces the difficult balancing act of tradition and modernity, culture and law. everlasting dedication and the revolutionary potential of a forward-thinking constitution.

Gender inequality refers to the belief that men and women are not on an equal footing and that a person's gender impacts their daily life. Dissimilarities in biology, psychology, and culture give rise to these variances. While some appear to have been socially manufactured, the majority of these kinds are based on actual evidence. Research has shown that there is a wide variety in gender experiences in many areas of life, such as schooling, life expectancy, personality, hobbies, and family dynamics. People from many cultural backgrounds see gender inequity in unique ways.

Preamble and Fundamental Rights

Two essential parts of the Indian Constitution—the Preamble and the Fundamental Rights—play a crucial role in laying the groundwork for revolutionary change. The Constitution is a beautiful tapestry woven with the threads of justice and democracy, and it stands as proof of the country's dedication for the protection of the rights and dignity of every citizen. shedding light on how the Preamble and Fundamental Rights, which include the guiding principles and legal framework, form the basis of gender equality in India's legal system. Gender inequality has long been an issue in India, where traditional values and customs have not accorded equality to the women folk. But the founding fathers of the Indian Constitution envisioned in the Preamble the ideas that would one day promise a more equal and just society, and they sat out to create it. The Constitution's revolutionary role in achieving gender equality is laid forth in the Preamble, which proclaims justice, equality, and brotherhood. Many consider the Preamble to be the most important part of the Constitution since it states the nation's goal in great detail and serves as more than just a preface. Gender equality may be morally grounded in this articulation of a deep commitment to social, economic, and political justice. A more egalitarian social order would replace gender-based discrimination and injustice, according to an implicit promise within its wording. To tackle the problems of gender disparity, we might go to the Fundamental Rights, which are contained in Part III of the Constitution. Equal opportunity in education and work, as well as the right to be free from discrimination, are among these rights that are crucial to achieving gender parity. As we delve into this part, we will see how these rights uplift women and question long-standing traditions that keep gender gaps wide open. The court has been instrumental in protecting women's rights and promoting gender equality by analysing specific cases and providing examples. Judgments that have gone down in history have done more than just confirm the legitimacy of the underlying laws; they have also spurred social transformation by calling into question long-established gender conventions and power dynamics.

Social justice

Towards the commitment of social justice for women, the most significant development is the codification of certain personal laws in our nation that are obstacle in this regard. The gender-



neutrality of the law has been a hindrance to female accused in criminal proceedings, particularly in instances of rape and dowry, where it has placed an undue burden on the prosecution. Things like sexual harassment of women on the job and domestic abuse went unmentioned and unchecked. The judiciary took up these instances of gender insensitivity and codified them into legally enforceable decisional statutes to fill in the gaps in social fairness. Despite the Court's repeated directives, a Uniform Civil Code remains an aspiration. However, laws like as the Medical Termination of Pregnancy Act and the Pre-Natal Diagnostic Techniques (Prevention of Misuse) Act have put an end to the breach of justice and humanity beginning at conception. Despite these rules, the ideal of the Constitution architects remains a dream due to non-implementation, gender insensitivity, and a lack of legal literacy. They stand in the way of the goal of guaranteeing the dignity of every person, regardless of their gender, ethnicity, or country of birth.

Right to Equality: A Cornerstone of Gender Equity

An imposing foundation of gender equality in a country where long-lasting gender differences have persisted, the right to equality is firmly established in the Indian Constitution. At the core of India's constitutional structure, shedding light on how the right to equality has been important in eradicating discrimination and empowering women. There have been significant social shifts in India on the road to gender equality, but long-standing traditions and customs have presented persistent obstacles. In order to achieve gender equality, the founding fathers of Indian Constitution knew that strong legislation was necessary, not just words on paper. Therefore, the Constitution, which guarantees equality for all, became a powerful tool for defending women's rights and questioning the current order. The State must not deny to any individual equality before the law or the equal protection of the laws within the territory of India is a fundamental affirmation of the Indian Constitution. Despite its seemingly broad applicability, this rule is critically important when discussing gender equality. Ensuring that women be treated equally with men in all areas of life is a moral obligation as well as a legal need for gender equality in all its complex forms. It delves into how this constitutional clause has sparked a movement, giving women the power to confront sexism and seize chances they didn't have before through the real-life examples, employment, and participation in public and political arenas.

Women Empowerment and Role of the Court

In the annals of Indian law, there are a few illuminating instances that herald significant turning points on the road to gender equality. These instances, which were later solidified in seminal court decisions, demonstrate how the Indian Constitution has empowered women. These monumental pieces of legislation, illuminating their relevance and influence on the advancement of women's rights and empowerment in India. Women in India have shown remarkable strength and bravery in the face of adversity, and their fight for equality has been relentless. The ideas of gender equality that were outlined in the Indian Constitution have been challenged, validated, and built upon in the courtroom. Significant judicial rulings handed down by a prudent court have been crucial in making constitutional guarantees a reality. The land mark judgements of the Court have played a crucial role in advancing women's rights. It



emphasises how these rulings have questioned sexist conventions and behaviours, giving women the authority to stand up for what's right and respectable. The ideals of gender equality have been preserved and cultural progress has been heralded by these legislative monuments. Their actions have encouraged women to stand up for what is right in many areas of life, and weakened patriarchal systems. It is clear as we go through these major decisions that they are more than simply court declarations; they are compelling stories of women's empowerment and advancement. They confirm the dedication to gender equality in the Indian Constitution and symbolise the victory of justice over prejudice. Legal precedents have played a vital role in advancing women's rights and influencing the current social and legal climate of gender equality in India. It emphasises that the Constitution's guarantee of equal rights for women is not a fixed text, but rather a level that is shaped by each significant ruling, advancement in justice, and strong woman who asserts her worth and rights.

Gender inequality at home and in public as a universal violation of civil rights, gender (or sex) manifests itself in a variety of ways, such as sexual harassment, wage disparity, and pregnancy discrimination. In an effort to elevate women's standing in society, the Indian Constitution guarantees them equal rights to men and women and provides equitable protections. However, the majority of women still do not have access to these rights and opportunities. Despite the fact that women in India have equal rights and opportunities under the constitution, and that there is a parallel effort to attract more women to leadership positions, not all women are benefiting from these provisions. As an unnecessary home obligation, the anti-feminist ideology and social injustices compel women to sacrifice their potential for success in favour of the traditional value system.

All other facets of social and economic growth may benefit from women's empowerment, which is seen as both a fundamental right and a powerful catalyst for change. It is widely recognised that empowering women is crucial for achieving gender equality, poverty reduction, and other development goals that have been agreed upon worldwide. Empowerment changes the systemic causes, societal variables, and imbalances in power that sustain the pervasive and long-lasting gender gap, which in turn diminishes women's chances and resources in all spheres of society and culture. Empowerment of women is a process that is context-specific, dynamic, and characterised by many intersecting elements. How are women being empowered within the constraints of the Indian Constitution? That is the key issue this paper seeks to answer. Equal rights for women and men are also emphasised. Furthermore, this study delves into a few issues that stand as roadblocks to women's empowerment and gender equality.

According to Indian philosophy, the very name "PRAKRITI"—"The Creator" or "Nature"—is a feminine noun. Even in our sacred texts, women are revered, a practise that dates back to the Vedic era. However, women's status was unsatisfactory in actuality throughout modern India, including the era under British rule. Our modern society's focus on women's empowerment has grown in importance as a development issue. Many initiatives undertaken by the Indian government to promote gender equality have been main issues. Access to jobs, schools, healthcare, and new infrastructure is just a few areas where the Indian government is actively working to improve conditions. National Rural Health Mission, Sarva Siksha Abhiyan,



Integrated Child Development Scheme, National Rural Employment Guarantee Scheme, and Mahatma Gandhi National Rural Employment Guarantee Scheme are among these key programmes. The position of women in Indian society is elevated as a result.

Conclusion

As a symbol of the nation's dreams and ambitions, the Indian Constitution has set out on a remarkable journey to achieve gender parity. As we wrap off our examination of the Constitution's significant influence on gender equality, we take stock of the revolutionary path it has sparked and the persistent obstacles that still stand in the way. Gender inequality has persisted in Indian society for a long time and is clearly reflected in the country's laws, traditions, and practises. But the nation's steadfast dedication to justice, equality, and brotherhood was proclaimed when the Constitution was adopted in 1950. The Preamble enshrines this promise, which provided the ethical groundwork for a more equal and just society. The framework of the Constitution of India, delving into the case law, seminal rulings, and policy actions that have advanced women's emancipation in the country. We have explored the right to equality, which is fundamental to gender equity, and looked at how it has helped women fight against sexist attitudes and behaviours. Witnessing the revolutionary impact of the verdicts of the court on matters like as property rights and job equality, we have rejoiced in legal monuments that served as catalysts for women's liberation. While we have recognised some success in reducing economic inequality and gender-based violence, we also realise that there is still a long way to go. The persistent and unfortunate issue of gender-based violence looms large over women's lives. We are reminded that the promise of gender equality has not yet been completely achieved by the persistence of economic inequities. Nevertheless, we must not be discouraged; rather, we must rise to the occasion and recommit ourselves to the cause of justice. The influence of the Indian Constitution on gender equality demonstrates its ability to bring about transformation. The issue of gender equality requires a pledge to fight for the equality of all people and to ensure that their voices are heard and respected. A more fair and just society, with women on an equal footing, is the goal of this quest. The Constitutional guarantee of gender equality is an impassioned plea for joint effort, and we must keep this in mind as we move forward. It requires us to stand firm in the face of ongoing obstacles, to demolish discriminatory standards, and to maintain the values of brotherhood, equality, and justice in all areas of women's life. Gender equality under the Constitution of India is an ongoing journey that should inspire all of us to work for a fairer and more equal society.

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