



Empowerment of Women: - A Solution to Gender Discrimination - A Study

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ABSTRACT

The era when women were restricted to domestic duties and raising children within the confines of their homes has long passed. The landscape today looks markedly different, with women carving out their own identities and presence across every sphere of life. They represent a vital part of society and contribute meaningfully to national progress. Both nationally and internationally, legal frameworks exist to safeguard women's interests, and constitutional and legal remedies remain accessible whenever their rights are violated.

This paper examines why women's empowerment is necessary, whether it represents a meaningful step toward gender equality, the underlying justifications for empowering women, and the legal landscape—both domestic and international—governing women's empowerment.

Keywords: Women Empowerment, Gender Discrimination, Gender Equality, Women's Rights, Legal Frameworks.

INTRODUCTION

Gender-based discrimination represents one of society's ugliest realities. Throughout history, women have occupied a subordinate position, with male dominance being the norm in earlier eras. Men were reluctant to grant women equal standing. As education spread and ideas about equality took root, progressive voices began challenging the mistreatment of women. It is striking that human history is marked by repeated injustices and exploitation directed at women, who have often borne the brunt of male tyranny. Genuine empowerment requires enabling

women to fully develop as individuals, granting them basic freedoms, and ensuring they have equal standing in the political, social, economic, and cultural life of the nation.

Women make up roughly half of the global population, yet their social standing has not matched that of men everywhere. The combination of limitations placed on women and the disparities between genders has created what is termed the "gender problem," which takes on particular significance amid evolving development priorities.

Numerous laws have been introduced globally to establish women's rightful place in society on equal footing with men. Even so, women continue to face various forms of inequality rooted in tradition, societal attitudes, financial dependence, and superstition, among other factors. The United Nations has repeatedly emphasized through its declarations that men and women deserve equal treatment, and the principle of gender equality is embedded throughout the Indian Constitution—in its Preamble, the chapters on Fundamental Rights, the Directive Principles of State Policy, and Fundamental Duties.

What Women's Empowerment Means

Women's empowerment can be understood as an all-encompassing concept spanning political, social, cultural, physical, moral, and intellectual dimensions of life. Put simply, it means building conditions in which women can make their own choices about their personal growth and stand as equals in society.



Empowerment has come to be viewed as a means of transforming women's socio-economic circumstances. Both governments and individuals recognize that no society can truly advance while women, who form such a large segment of the population, remain left behind. This empowerment process must start with women actively engaging in all areas of life.

Why Women's Empowerment Is Needed

India recognized early on that empowering women would allow them to contribute to economic development—by improving workforce skills and helping curb population growth, which in turn eases pressure on the environment and supports sustainability.

Many Indian women still lack access to various forms of empowerment, and rural women in particular are often unaware of the statutory rights available to them. While urban areas show

somewhat greater awareness of women's empowerment issues, harassment and discrimination remain widespread in all walks of life. Only when women achieve empowerment in every respect can the constitutional goals truly be realized.

The Rationale Behind Women's Empowerment

Why do women need empowerment? Does it genuinely advance equality between the sexes? Can it help eliminate the disadvantages women face, and resolve the difficulties confronting them? These questions call for answers, which the following points attempt to address.

Economic vulnerability: Women across India are frequently in a weaker financial position and rely on the men in their families to meet basic needs. Economic empowerment is therefore essential for them to achieve independence comparable to men.

Low literacy levels: Across much of the developing world, women lag behind men in literacy. This educational gap has reinforced their dependence on men and confined them to secondary roles. Although awareness about education among women has grown recently, school dropout rates remain notably higher for girls. Literacy is key to helping women understand the constitutional and legal protections designed for them, which makes promoting women's education a top priority.

Overlooked health needs: Women's health is often neglected, with many eating less while working more than their male counterparts. From a health standpoint as well, efforts are needed to strengthen women who are physically disadvantaged.

Violence and abuse against women: Women are frequently regarded as the more vulnerable sex, a perception reinforced by the prevalence of crimes committed against them—including rape, abduction, dowry-related abuse, molestation, sexual harassment, and other forms of mistreatment. Women face discrimination from men in nearly every setting and become victims of abuse in countless ways. This makes comprehensive empowerment essential for their protection, dignity, and self-respect.

CONSTITUTIONAL SAFEGUARDS FOR WOMEN IN INDIA

The Indian Constitution guarantees every citizen equality before the law and equal legal protection throughout the country. These guarantees apply equally to men and women. The Universal Declaration of Human Rights similarly uses both phrases—equal protection of law and

equality before the law—together aiming at the kind of equal status envisioned in the Constitution's Preamble.

Right to Equality (Article 14): This provision bars arbitrary class-based laws but allows reasonable classification. Any such classification must rest on a logical basis connected to the law's purpose. With this principle in mind, women can be treated as a distinct class for the purpose of enacting laws that benefit them.



Article 15(1): Prevents the State from discriminating against any citizen based on religion, race, caste, sex, or place of birth.

Article 15(2): Ensures that no citizen faces restrictions in accessing shops, restaurants, hotels, or public entertainment venues based on religion, race, caste, sex, or place of birth.

Article 15(3): An exception to Articles 15(1) and 15(2), this clause allows the State to create special provisions specifically for women and children.

Article 16: Guarantees equal opportunity for all citizens regarding employment or appointment to government positions.

Article 39(a): Directs the State to ensure that both men and women have equal access to adequate means of livelihood.

Article 39(d): Mandates equal pay for equal work regardless of gender.

Article 39(e): Requires the State to protect the health and strength of workers, including women, and to prevent children from being forced into work unsuitable for their age, ensuring that no citizen is compelled by economic hardship into unsuitable occupations.

Article 39A: Promotes justice based on equal opportunity, including the provision of free legal aid so that economic or other disadvantages do not prevent citizens from accessing justice.

Article 42: Obligates the State to ensure fair and humane working conditions and to provide maternity relief.

Article 51A(e): Encourages citizens to foster harmony and brotherhood while rejecting practices that demean women's dignity.

Article 243D (3): Requires that at least one-third of directly elected seats in every Panchayat (including seats reserved for Scheduled Caste and Scheduled Tribe women) be reserved for women, with these seats rotated among different constituencies.

Article 243T (3): Applies the same one-third reservation principle to directly elected seats in Municipalities.

These constitutional provisions collectively form a strong foundation for protecting women's interests.

Key Legislation Protecting Women's Interests

In addition to constitutional guarantees, the Indian government has passed numerous laws specifically aimed at protecting women from social discrimination, violence, and harmful practices such as child marriage, dowry, and sati.

Factories Act, 1948: Applies to power-driven factories and similar provisions extend to mines and other labor settings. Women are prohibited from cleaning, lubricating, or adjusting machinery while it is running if doing so poses injury risk. Factories must provide adequate, separate sanitation and washing facilities for men and women. Women generally cannot work in factories outside the hours of 6 a.m. to 7 p.m., and never between 10 p.m. and 5 a.m.; female children may only work between 8 a.m. and 7 p.m.

The Immoral Traffic (Prevention) Act, 1956: Criminalizes activities such as running or permitting a brothel, profiting from prostitution, recruiting or coercing individuals into prostitution, confining someone for prostitution, soliciting in public, and seducing persons in custody.

The Dowry Prohibition Act, 1961: Bans both giving and receiving dowry and prescribes penalties for violations, while exempting certain customary wedding gifts. Any dowry that is given must be transferred to



the bride; failure to do so is punishable. Offenses under this Act are cognizable, non-bailable, and non-compoundable.

The Maternity Benefit Act, 1961: Governs working conditions for women around childbirth and grants twelve weeks of paid maternity leave—six weeks before and six after delivery—extending the same benefit to adoptive mothers. Women who experience miscarriage or undergo medical termination of pregnancy are entitled to six weeks of paid leave upon providing required proof.

The Medical Termination of Pregnancy Act, 1971: Permits registered medical practitioners to terminate certain pregnancies under specified conditions; termination by anyone other than a registered practitioner is a punishable offense under the Indian Penal Code.

The Equal Remuneration Act, 1976: Mandates equal pay for equal or similar work performed by men and women and bars discrimination against female employees in transfers, training, and promotions. Employers cannot pay women less than men for the same work, nor discriminate based on sex during recruitment, though government-mandated reservations remain permitted.

The Indecent Representation of Women (Prohibition) Act, 1986: Addresses the growing tendency of advertisements and publications to portray women in demeaning ways. It bans publishing or displaying any advertisement that depicts women indecently, and prohibits producing, selling, distributing, or circulating books, photographs, films, or other materials containing such depictions.

The Commission of Sati (Prevention) Act, 1987: Aims to more effectively prevent the practice of sati and its glorification, criminalizing attempts to commit sati, abetting it, and glorifying it.

The Protection of Women from Domestic Violence Act, 2005: Provides civil remedies for women experiencing domestic violence, aiming to prevent such abuse. Any woman in a domestic relationship who alleges abuse by a partner or family member qualifies as an aggrieved person under this law.

The Hindu Succession (Amendment) Act, 2005: Grants daughters equal coparcenary rights alongside sons under Hindu succession law.

Together, these laws represent significant protections extended to women.

CONCLUSION

Achieving real empowerment requires educating women so they understand their rights and entitlements within modern society, since education builds awareness of social status, injustice, and the unequal treatment women face. While the Constitution and various laws already provide a framework for women's empowerment in India, many of these protections remain limited in scope or poorly enforced.

India's constitutional and legal framework not only guarantees equality and protection for women but also empowers the State to take affirmative action in their favor. Within India's democratic system, laws and development programs have consistently sought to advance women across all areas of life.

Suggestions

Going forward, efforts should focus on:

1. Building a positive, dignified self-image and confidence in handling all relationships and matters.
2. Promoting equal participation grounded in fairness and social justice.
3. Developing critical thinking skills and maturity.
4. Encouraging participation in decision-making processes.



5. Speaking up when women's concerns are overlooked.
6. Boosting both general and functional literacy.
7. Securing the human rights that women are entitled to.
8. Strengthening law enforcement mechanisms.

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