



## Democracy, Constitution Rule of Law in Women Education

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**DEMOCRACY, CONSTITUTION RULE OF LAW IN WOMEN EDUCATION**



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## DEMOCRACY, CONSTITUTION RULE OF LAW IN WOMEN EDUCATION

Abstract – the principle of gender equality is enshrined in the Indian constitution in its preamble, fundamental all rights, fundamental duties and directive principles. The constitution not only grants equality to women, but also empowers that state to adopt measures of positive discrimination in women favor. Within the framework of a democratic polity, our laws development politics plans and programs have aimed at women advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights instruments committing to secure equal rights of women, key among them is the ratification of the convention on elimination of all forms of discrimination against women (CEDAW) IN 1993.

### KEYWORDS

DEMOCRACY, CONSTITUTION, LAW FOR WOMEN EDUCATION

### INTRODUCTION

Effective participatory constitution making has to provide for women equal representation in the process and outcome. No process which excludes or marginalizes the majority of the population can be representative.

No constitution which has failed to fully ensure the perspective and concern of women can be seen as fully legitimate over time.

Mary Rabinson, former United Nations High Commissioner for Human Rights [2010].

The constitution assessment for women's equality helps use analysis a constitution or draft constitution from the perspective of the substantive equality of women.

Using a series of questions short explanation and example provisions from constitution around the world. The assessment guides you through examination of the most critical constitutional issues that effects women rights and gender equality.

The assessment is designed for gender equality advocates as well as those who are engaging in the topic of women's constitutional rights for the first time whether as member of a constituent assembly constitutional drafters civil society members or concerned individuals. Since gender equality affects the quality of democracy and society.

Chapter 1 outlines gender-sensitive approaches constitutional analysis and explains the format and structure of the constitution assessment for women's equality.

Chapter 2 discusses the key issues covered by the assessment as well as general democracy issues that are critical to gender equality.

The assessment itself is composed of 55 questions divided into section on values and Principles; equality and non-discrimination; economic and social right; legislature and Election, Government; implementation and enforcement; and constitutional interpretation. This document also includes an

annexe listing international and regional instrument; a glossary of terms related to women's equality and constitution; a list of references further reading and resources on issues relating to gender equality. Hill, C [2014] The simple truth about the gender pay gap. AAUW, Economic justice Ed retrieved from <http://w.w.w.aauw.org/research/the-simple-truth-about-the-gender-pay-gap>.

A gender sensitive approach in the constitution.

As the supreme law define the structure of the state, distribute political power and recognize and protect the rights of the people. Beyond these basic functions, a country constitution articulates a vision that reflects its values and history as well as aspirational objectives for the future.

Because the constitution can present a road map toward robust democracy.

Constitutional reform offers a unique opportunity to transform the fundamental structure of governance by including guarantees of women right inclusive language, and creating institutions and processes that protect and promote the substantive equality of women and men. [Allen 2014: 16].

Action aid [2010] Destined to fail how violence against women is undoing development? London; Action aid.

Constitution assessment for women's equality.

The constitution building process providing an extra ordinary opportunity for women and gender equality advocates to participate in the framing of democratic institutions women and the Indian constitution.

1 Preamble of the constitution.

2 Equality before law.

3 Equality of opportunity.

4 Human condition at work.

5 Fundamental duty.

6 Reservation of seats for woman in Panchayat and Municipalities

7 Voting rights/ Electoral law.

1 Preamble of the Constitution- under the constitutional law women have equal rights as men so as to enable them to take part effectively in the administrative of the country.

2 Equality before law- Article-14 embodies the general principle of equality before law and equal protection of law.

Prohibition from discrimination on grounds of religion, race caste, sex or place of birth.

Article 15 [1] and [2] Prohibits the state from discrimination against any citizen only on the basis of any one or more of the aspects such as religion, race, caste, sex, place of birth any of them.

Article 15 [3] makes it possible for the state to create special provisions for protecting the interests of women and children. Article 15 [4] empowers the state create special arrangement for promoting interests and welfare of socially and educationally backward classes of society

3 Equality of opportunity

Article 16 provides for equality of opportunity for all citizen in matter relating to employment or appointment to any office under the state.

Article 39 requires the state to direct its policy towards securing for men women equality the right to an adequate means of livelihood [ Article 39 [a] and equal pay for equal work for both men and women [ Article 39 [d]]

Article 39 [A] directs the state to promote justice on the basis of equal opportunity and to promote free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Astbury J. [2010] The social causes of women depression: a question of rights violated? In D .C Jack & A Ali [Eds] silencing the self across culture p. 19-45] Oxford: Oxford university press.-[3]

#### 4 Human condition at work

Article 42 directs the state to make provision for securing justice and human conditions of work and for maternity relief.

#### 5 Fundamental duty

Article 51 A[e] enjoins upon every citizen to renounce practices derogatory to the dignity of women.

#### 6 Reservation of seats for women in Panchayats and Municipalities.

Article 243D[3] and Article 243 T[3] provide for reservation of not less than one third of Total number of seats in Panchayat and Municipalities for women to be allotted by rotation to different constituencies.

Article 243 D[4] T[4] Provides that not less than one third of the total number of officers of chairperson in the Panchayat and Municipalities at each level to be reserved for women.

#### 7 Voting rights/ Electoral law

Not less than one third seats shall be reserved for women. Such seats may be allotted by rotation to different constituencies in a Panchayat .

The office of the chairperson in the Panchayat at the village or any other level shall be reserved for SCs ,ST and women in such manner as the legislature of state may, by law provide .

Reservation of seats for women in Municipal polities is provided.

#### SUMMARY

To uphold 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 working although women may be victims of any of the crimes , which are directed specifically against women ,are characterized as. Crime against women .

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