



SIKKIM STATE LEGAL SERVICES AUTHORITY
in celebration of
“INTERNATIONAL WOMEN’S DAY” ON MARCH 8, 2026
OBSERVES “LEGAL SERVICES WEEK FOR WOMEN”
FROM MARCH 8, 2026 – MARCH 14, 2026

IMPORTANT CONSTITUTIONAL PROVISIONS FOR WOMEN IN INDIA	LEGAL PROVISIONS	A. DOMESTIC VIOLENCE
<p>The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only guarantees equal rights to women, but also empowers the State to adopt measures of positive discrimination in favor of women to make efforts to bring them at par in the cumulative socio economic, education and political fields. Fundamental Rights, amongst others, ensures 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 within the framework of a democratic policy. Our laws, development policies, plans and programmes have aimed at women’s advancement in different spheres. India has also ratified various international conventions and human rights instruments to secure equal rights of women.</p> <p>Constitutional Provision: - Article 14: The State shall not deny to any person equality before the law or the equal protection of the laws. i. The State shall not discriminate against any citizen on grounds only of religion, race, caste,</p>	<p>To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any crime 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.</p> <p><u>I Crimes Identified Under the Bharatiya Nyaya Sanhita (BNS) 2023.</u></p> <ol style="list-style-type: none"> 1. Punishment for Rape (Section 64, BNS). 2. Kidnapping and Abduction (Sections 137 & 138, BNS). 3. Trafficking (Sections 143-144, BNS). 4. Dowry Death (Section 80, BNS) 5. Cruelty, both mental and physical (Section 85, BNS). 6. Criminal force with intent to outrage the modesty of a woman (Section 74, BNS). 7. Sexual Harassment, Assault with intent to disrobe, 	<p>Any act of violence or abuse against a single woman, sister, widow, mother, daughter or even women in live-in-relationships amounts to domestic violence. Women can seek protection under the “Protection of Women from Domestic Violence Act, 2005”. Section 3 of the Domestic Violence Act, 2005 also includes sexual abuse, verbal & emotional abuse and economic abuse.</p> <p><u>I) SEXUAL, VERBAL & EMOTIONAL ABUSE:</u> Legal remedies are available to women who are victims of sexual, verbal and emotional abuse by their partners or family members under the Protection of Women from Domestic Violence Act, 2005.</p> <p><u>II) ECONOMIC ABUSE:</u> Women are entitled to monetary help from spouses, parents or guardians, in case of any economic abuse <i>ie</i> withholding necessities such as food, clothing, shelter, medication or personal hygiene products. Husbands cannot dispose of jewellery or dowry without consent of his wife. If he does, he is guilty of economic abuse.</p> <p><u>III) PHYSICAL & MENTAL ABUSE:</u> Under the Act, women can seek protection orders, residence orders, and financial relief for physical and mental abuse.</p>



<p>sex, place of birth or any of them. {Article 15 (1)}.</p> <p>ii. The State shall not be prevented from making any special provision in favor of women and children. {Article 15 (3)}.</p> <p>iii. Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State {Article 16 (1)}.</p> <p>iv. The State to direct its policy towards securing for men and women equally the rights to an adequate means of livelihood {Article 39 (a)}; and equal pay for equal work for both men and women {Article 39 (d)}.</p> <p>v. To promote justice, on a basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes 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 {Article 39- A}.</p> <p>vi. The State to make provisions for securing just and humane conditions of work and for maternity relief {Article 42}.</p> <p>vii. The State shall promote with special care the education and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall, protect them</p>	<p>Voyeurism & Stalking (Sections 75-78, BNS).</p> <p>8. Importation of girl or boy from foreign country (Section 141, BNS)</p> <p>II The Crimes identified under the Special Laws (SLL). Although not all laws are gender specific, however, they are reviewed periodically and amendments carried out to keep pace with the times viz;</p> <ol style="list-style-type: none"> 1. The Employees State Insurance Act, 1948. 2. The Plantation Labour Act, 1951. 3. The Family Courts Act, 1954 4. The Special Marriage Act, 1954. 5. The Hindu Marriage Act, 1955. 6. The Hindu Succession Act, 1956 with amendments in 2005. 7. Immoral Traffic (Prevention) Act, 1956. 8. The Maternity Benefit Act, 1961(Amended in 1955). 9. Dowry Prohibition Act, 1961. 10.The Medical Termination of Pregnancy Act, 1971. 11.The Contract Labour (Regulation and Abolition) Act, 1976. 12.The Equal Remuneration Act, 1976. 13.The Prohibition of Child Marriage Act, 2006. 14.The Criminal Law (Amendment). 	<p>B. EVE TEASING</p> <p>Any indecent act including lewd comments, catcalls, or whistling, touching, groping indecent exposure that degrades the dignity of women comes under sexual and mental harassment. The offence is punishable with a maximum jail term which may extend to three years (Sec. 79, BNS).</p> <p>C. DISCRIMINATION AT WORK PLACE</p> <p>A major problem faced by working women is <u>sexual harassment at the workplace</u>.</p> <p>The Hon'ble Supreme Court has laid down certain guidelines in Vishaka & Ors. vs. State of Rajasthan & Ors. (1997)6 SCC 241 and has further laid down directions to be implemented by the State of Sikkim in Seema Lepcha vs. State of Sikkim & Other in Civil Appeal No. 1632/2012 with regard to sexual harassment of women at workplaces.</p> <p>A majority of the working women continue to be denied their right to equal pay, under the Equal Remuneration Act, 1976 and are underpaid in comparison to their male colleagues.</p>
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from social injustice and all forms of exploitation
{**Article 46**}.

viii. The State shall raise the level of nutrition and the standard of living of its people and the improvement of public health.
{**Article 47**}.

ix. To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women
{**Article 51 - A (e)**}.

x. Not less than one- third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every **Panchayat** shall be reserved for women and such seats to be allotted by rotation to different constituencies in a **Panchayat**
{**Article 243- D (3)**}.

xi. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every **Municipality** shall be reserved for women and such seats to be allotted by rotation to different constituencies in a **Municipality**.
{**Article 243-T (3)**}.

D. WOMEN CAN CLAIM MAINTENANCE

A woman's legal right to claim maintenance from her husband is recognized under Section 144 of the *Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023*.

Section 18 of the Hindu Adoption and Maintenance Act, 1956 entitles a woman to claim maintenance from her husband. The claim for maintenance is extendable to her minor children. Further, these laws provide that maintenance can be claimed prior to divorce and during separation. Women who are divorced are also entitled to claim maintenance from their husband under certain legal conditions.



A woman is entitled to free legal aid u/s 12 (c) of the Legal Services Authorities Act, 1987. Hence, any woman in need of free legal aid/services or for any queries may contact the following:

1. Sikkim State Legal Services Authority, Gangtok. Phone No: 03592-207753	2. High Court Legal Services Committee, Gangtok. Phone No: 03592-207753
3. District Legal Services Authority, Gangtok. Phone No: 03592 284462	4. District Legal Services Authority, Mangan Phone No: 03592 -234694
5. District Legal Services Authority, Namchi. Phone No: 03595 264654	6. District Legal Services Authority, Gyalshing. Phone No: 03595 250010
7. District Legal Services Authority, Soreng. Phone No: 03595 253000	8. District Legal Services Authority, Pakyong. Phone No: 03592 267455

NATIONAL LEGAL SERVICES AUTHORITY (NALSA) HELPLINE NO: 15100

**Issued by,
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