

Empowerment of Women Through Legislation in India: An Analysis

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ABSTRACT:- Women empowerment is a global issue, which has gained momentum in recent decades as the development of a society or a nation depends on the social as well as economic well-being of women. Women Empowerment means to create an environment for women where they have the right to make their own decisions. Women Empowerment ensures that women have equal rights and also gives them the confidence to claim their rights. It also ensures that women live their life freely and with a sense of self-worth and dignity. Women Empowerment gives women an opportunity for education and equal employment opportunities without any gender bias. It also means to provide a safe and comfortable working environment for women. The first step towards Women Empowerment is to provide education to them. Education will increase Women's self-confidence and enable them to find jobs. In particular, education empowers women to make choices that improve their own and their children's health. Education will also increase women's awareness of their human rights their confidence and their actual ability to assert those rights. Despite significant improvements in recent decades, education is not universally available and gender inequalities still persist. In India, half of the population consists of women. In modern India, besides rectification of international conventions, there are provisions in the Constitution and several legislative Acts have been passed to ensure women empowerment. Also the role of women in many aspects underwent changes like participation in the development process and formation of self-help groups etc, which is essential for sustainable development in which women play a direct and exclusive role. It however, appears that on this front the situation on ground is far from satisfactory. Hence, the empowering strategies need substantial fine-tuning to ensure that they are effective and result oriented. The vision for the future should be built on gender prospective; hence there is a need for a comprehensive and holistic

policy for women. This would enable the country to fulfill the constitutional mandate of women equality and the objective of women's total involvement in the development of the nation.

Keywords:- Women Empowerment, Gender Inequalities, Employment Opportunities Constitutional Mandate, Sustainable Development etc.

I. INTRODUCTION:-

Women empowerment refers to increasing the spiritual, political, social, educational, gender or economic strength of individuals and communities of women. Women's empowerment in India is heavily dependent on many different variables that include geographical location (urban / rural) educational status social status (caste and class) and age. Policies on Women's empowerment exist at the national, state and local (Panchayat) levels in many sectors, including health, education, economic opportunities, gender based violence and political participation. However, there are significant gap between policy advancements and actual practice at the community level. Empowerment of women is essentially the process of upliftment of economic, social and political status of women, the traditionally underprivileged ones, in the society. It is the process of guarding them against all forms of violence. Women empowerment involves the building up of a society, a political environment, wherein women can breathe without the fear of oppression, exploitation, apprehension, discrimination and the general feeling of persecution which goes with being a woman in a traditionally male dominated structure. Women constitute almost 50% of the world's population but India has shown disproportionate sex ratio whereby female's population has been comparatively lower than males. As far as their social status is concerned, they are not treated as equal to men in all the places. In the Western societies, the women have got equal right and

status with men in all walks of life. But gender disabilities and discriminations are found in India even today. The paradoxical situation has such that she was sometimes concerned as Goddess and at other times merely as slave. 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 grants equality to women, but also empowers the state to adopt measures of positive discrimination in favour of women. 'Empowerment' may be described as a process which helps people to assert their control over the factors which affect their lives. Empowerment of women means developing them as more aware individuals, who are politically active, economically productive and independent and are able to make intelligent discussion in matters that affect them. Present article discusses about various initiatives taken by Government of India for empowering women by analysing position of India in Gender Inequality Index and Global Gender Gap Index of United Nations. Article concludes with the note that due recognition must be given to women and society should come forward to ensure equal status for women in all spheres of life. This paper aims to analyze the existing legislation for empowerment of women in India.

Women's Rights are Human Rights:- We are all entitled to human rights. These include the right to live free from violence and discrimination; to enjoy the highest attainable standard of physical and mental health; to be educated; to own property; to vote and to earn an equal wage. But across the globe many women and girls still face discrimination on the basis of sex and gender. Gender inequality underpins many problems which disproportionately affect women and girls, such as domestic and sexual violence, lower pay, lack of access to education, and inadequate healthcare. For many years women's rights movements have fought hard to address this inequality, campaigning to change laws or taking to the streets to demand their rights are respected. And new movements have flourished in the digital age, such as the Me Too campaign which highlights the prevalence of gender-based violence and sexual harassment.

Women Rights in India

1) **Women have the right to equal pay :** According to the provisions listed under the Equal Remuneration Act, one cannot be discriminated on the basis of sex when it comes to salary, pay or wages. Working women

have the right to draw an equal salary, as compared to men.

- 2) **Women have right to dignity and decency :** In an event that the accused is a woman, any medical examination procedure on her must be performed by -or in the presence -another women.
- 3) **Women have the right against workplace harassment:** The sexual Harassment of women at Workplace Act gives a female the right to file a complaint against any kind of sexual harassment at her place of work. Under this act she can submit a written complaint to an internal complaints committee at a branch office within a period of 3 months.
- 4) **Women have a right against domestic violence :** Section 498 of the IPC looks to protect a wife, female live in partner or a women living in a household like a mother or a sister from domestic violence (including verbal, economic, emotional and sexual) by the hands of a husband, male live in partner or relatives. The accused shall be punished with a non-bailable imprisonment for a term which may extend to three years and shall also be liable to fine.
- 5) **Female sexual assault victims have the right to keep their identity anonymous:** To ensure that her privacy is protected a woman who has been sexually assaulted may record her statement alone before the district magistrate when the case is under trial or in the presence of a female police officer.
- 6) **Women have right not to be arrested at night :** Unless there is an exceptional case on the orders of a first class magistrate, a woman cannot be arrested after sunset and before sunrise.
- 7) **Women have the right against being stalked :** Section 354D of the IPC makes way legal action to be taken against an offender if he/she follows a woman, tries to contact her to foster personal interaction repeatedly despite a clear indication of disinterest, or monitor the use by a woman of the internet, email or any other form of electronic communication.
- 8) **Women have a right to Zero FIR:** An FIR that can be filed at any police station irrespective of the location where the incident occurred or a specific jurisdiction it comes under the Zero FIR can later be moved to the police station in whose jurisdiction the case falls under. This ruling was passed by the Supreme court to save the victim's time and prevent an offender from getting away scot-free.

- 9) **Women have the right against indecent representation** : Depiction of a women's figure(her form or any body part) in any manner that is indecent, derogatory, or is likely to deprave, corrupt or injure the public morality or morals, is a punishable offence.

Women -Specific Legislation

- Plantation Labour Act ,1951
- Special Marriage Act, 1954
- The Immoral Traffic (Prevention)Act,1956
- The Dowry Prohibition Act,1961
- Foreign Marriage Act, 1969
- The Indecent Representation of Women(Prohibition)Act ,1986s
- The Commission of Sati (Prevention) Act ,1987
- Protection of Women from Domestic Violence Act,2005
- The Sexual Harassment of women at Workplace (Prevention,prohibition and Redressal) Act, 2013
- The Criminal Law (Amendment) Act,2013

Women Related Legislation

- The Indian Penal Code ,1860
- The Indian Evidence Act ,1872

Constitutional Rights to Women :The rights and safeguards enshrined in the constitution for women in India are listed below

- ✓ The state shall not discriminate against any citizen of India on the ground of sex Article{15(1)}
- ✓ The state is empowered to make any special provision for women.In other words,this provision enables the state to make affirmative discrimination in favour of women Article {15(3)}
- ✓ No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex Article {16(2)}
- ✓ Traffic in human beings and forced labour are prohibited Article{23(1)}
- ✓ The state to secure for men and women equally the right to an adequate means of livelihood Article{39(a)}
- ✓ The state to secure equal pay for equal work for both Indian men and women Article{39(d)}
- ✓ The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocation unsuited to their strength Article{39(a)}

- ✓ The state shall make provision for securing just and human conditions of work and maternity relief Article{42}
- ✓ It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women Article {51-A(e)}
- ✓ One -third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women Article{243-D(3)}
- ✓ One- third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women Article{243-D(4)}
- ✓ One -third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women Article{243-T(3)}
- ✓ The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the state Legislature may provide Article {243-T(4)}

Legal Rights to Women

The following various legislation's contained several rights and safeguards for women :

- ✓ Protection of women from Domestic Violence Act 2005 is a comprehensive legislature to protect women in India from all forms of domestic violence. It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind physical, sexual,mental,verbal or emotional.
- ✓ Immoral Traffic (Prevention)Act(1956) is the premier legislation for prevention of trafficking for commercial sexual exploitation.In other words,it prevents trafficking in women and girls for the purpose of prostitution as an organised means of living.
- ✓ Commission of Sati (Prevention)Act 1987 provides for the more effective prevention of the commission of Sati and its glorification on women.
- ✓ Maternity Benefits Act 1961 regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits
- ✓ Medical Termination of Pregnancy Act1971 provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.
- ✓ Pre -Conception and Pre -Natal Diagnostic Techniques (Prohibition of Sex Selection)Act 1994 prohibits sex selection before or after conception and prevents the misuse of pre-

natal diagnostic technique for sex determination leading to female feticides.

- ✓ Dissolution of Muslim Marriages Act, 1939 grants a Muslim wife the rights to seek the dissolution of her marriage .
- ✓ Muslim women (Protection of Rights on Divorce) Act 1986 protects the rights of Muslim women who have been divorced by or have obtained divorce from their husbands.
- ✓ Family Courts Act 1984 provides for the establishment of family courts for speedy settlement of family disputes.
- ✓ Indian Penal Code 1860 contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.
- ✓ Code of Criminal Procedure 1973 has certain safeguards for women like obligation of a person to maintain his wife, arrest of woman by female police and soon.
- ✓ Indian Christian Marriage Act, 1872 contain provision relating to marriage and divorce among the Cristian community.
- ✓ Legal Services Authorities Act, 1987 provides for free legal services to Indian women.
- ✓ Hindu Marriage Act, 1955 introduced monogamy and allowed divorce on certain specified grounds. It provides equal rights to Indian Man and woman in respect of marriage and divorce.
- ✓ Hindu Succession Act, 1956 recognizes the right of women to inherit parental property equally with men.

II. CONCLUSION

Mere legislation is not sufficient for the empowerment of women in India. As women constitute almost one-half of India's population, without their engagement and empowerment, rapid economic progress is out of the question. For economic growth to be really inclusive, women empowerment is of utmost value. It is crucial for achieving sustainable economic development of our country and even beyond. Still a large part of women do not have sufficient autonomy regarding the value choices for their own life. The data also revealed that there is a necessity to look beyond economic resources or material prosperity and into cultural and social influences, which are playing a significant role in shaping the women's autonomy and empowerment. Along with government, civil society organisations and all other stake holders must come forward and involve in the women empowerment process is the need of the hour. Gender equality is a human right which entitles all persons irrespective of their gender to live with dignity and with freedom. Gender equality is also a

precondition for all round development and reducing poverty. Empowered women make invaluable contribution to the improvement of health conditions and educational status and productivity of whole families and communities, which in turn improve prospects for the next generation. The Millennium Development Goal also puts emphasis on gender equality and empowerment of women. It is now widely accepted that gender equality and women's empowerment are fundamental cornerstones for achieving development results. Keeping the status of women empowerment and its determinants in India, in this paper an attempt is made to present some of the key determinants of inequalities that exist in our country so as to have an idea about to what extent the women are empowered.

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