



A Study on the Role of Law for the Empowerment of Indian Women

Sandeep Chauhan

LLB, MBA, NET

ABSTRACT

Need of empowerment of women was felt as a result of discrimination done over women by men. This gender inequality encourages the empowerment of women as it can be realized that no country can progress without upgrading the social status of women. Women are an important part of society as men.

The lower mentality of thinking women inferior to men is the fundamental cause of lower progress. There are a number of fundamental rights which ensure the empowerment of women in India. Also, there are some principles of state policies which aid the women empowerment. The current paper highlights the role of law in the empowerment of women.

KEYWORDS:

Women, Empowerment, Law, Society

INTRODUCTION



The fundamental rights mention in India Constitution mention the policies regarding the empowerment of women. Article 14 states the right of gender equality which describes that all the persons are same and there can be no differentiation with respect to gender.

Article 15(1) highlights the prohibition of discrimination in terms of sex. On the other hand, Article 15(3) provides power to the State so that effective actions can be taken in favor of women. Whereas, Article 16 specifies the equality of opportunity in terms of the employment and every Indian citizen has the fundamental right to choose the type of job and work there.

There are some directive principles of state policy where the empowerment of women is ensured. Here, Article 39(a) mentions the State to implement its policies in order to secure the gender equality right so that equivalent opportunities can be ensured in order to encourage the women empowerment.

Article 39(d) provides the mandate to pay equally for equal work irrespective of the gender. It states that no organization can give more salary to male employer as compared to female employer for equal post and work. Besides all these provisions and rights, there is also Article 42 in State directive policy which facilitates the provision of protecting work environment and for maternity relief.



In 1993, an amendment was issued where women were given 33.33 percent of reservation in political seats at several levels of elections such as Panchayat, Block and Municipality elections. This amendment plays a major role in the empowerment of Indian women as it emerges the political value of women.

Also, there are many laws which help in women empowerment. Some of these laws are The Equal Remuneration Act, 1976, The Dowry Prohibition Act, 1961, The Maternity Benefit Act, 1961, The Prohibition of Child Marriage Act, 2006 and The Sexual Harassment of Women at Work Place (Prevention, Protection and) Act, 2013.

The Dowry Prohibition Act is made as anti-dowry law where the bridegroom's family members are arrested if they are found guilty of taking dowry from the bride's family. Also, it facilitates the punishment if the groom's family members are found the guilty of mentally or physically torturing the bride with subjected to dowry.

The Child Marriage Act describes that no girl can be forced to marry before the age of 18. This act is made in order to prohibit the child marriage and has been successful effectively as the numbers of cases regarding child marriage are reduced. These kinds of laws certainly help in the women empowerment.



ROLE OF LAW FOR THE EMPOWERMENT OF INDIAN WOMEN

Role of laws and state policies is very significant in terms of women empowerment. Also, there are many NGO's which work in the direction of empowering the women at each and every field of life. Government is initiating a number of programs in order to empower the women. People are made aware regarding the women empowerment.

It is observed that there is less awareness about women empowerment among the people of rural areas as compared to the people living in urban cities of the country. Women should be treated equally to men in order to upgrade the Indian societies.

Gender injustice is a problem that is seen all over the world. Whatever the causes may be, it is our duty of humans to protect the human rights of those who are victims. Women have been ill-treated in every society for ages and India is no exception. Indian judiciary feel convinced of the need for women's empowerment-by law and by legal means. The Constitution of India has taken a long leap in the direction of eradicating the lingering effects of such adverse forces so far as women are concerned. Our Constitution makes express provision for affirmative action in favour of women. It prohibits all types of discrimination against



women and lays a carpet for securing equal opportunity to women in all walks of life, including education, employment and participation.

According to analytical jurisprudence a court merely found the law or merely interpreted the law. Judges are applying the discretionary power to provide better justice to women in the new context of the Socio-Economic conditions. Judiciary has played an active role in enforcing and strengthening the constitutional goals towards protection/rights of the women of the land.

Not only the legislature but judiciary also plays a very vital and important role in case of women empowerment. The wide interpretation of provision of various legislations and also the provision of constitution, judiciary is able to empower the women. Another role of judiciary is the activist role which is popularly known as “Judicial Activism”. and 21. The court directed the State of Maharashtra to provide separate lock ups for female suspects guarded by female constables, ensure interrogation of females by female police officers. Legal assistance be provided to prisoners and a lady judge make periodical visits to police lock ups in the city of Bombay to hear grievances of women prisoners.

In India there are numerous laws aimed at empowerment of women in the areas of personal, labour, service and criminal and social economic matters. The Fundamental Law of the land namely Constitution of India



guarantees equality for women. It would be proper to refer some of the most important legislations pertaining to empowerment of women.

The Constitution of India not only guarantees equality to women but also empowers the State to adopt measures to positive discrimination in favour of women. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. Article 14 of the Constitution of India guarantees equality before law.

Article 15 prohibits discrimination on the grounds of sex. Article 16 states about equality of opportunity for all citizens in matters relating to employment. The 73rd and 74th amendments to the Constitution of India provided for reservation of seats (at least 1/3) in the local bodies of Panchayats and Municipalities for women. Another Constitution Amendment (108th Constitution Amendment) reserving 33 per cent in Parliament and State Legislature is in the pipeline.

Sections 292, 293 and 294 provide for punishment in sale and exhibit of obscene books objections and for obscene act in public place. Section 304(b) deals about murder of women in connection with demand of dowry. Sections 312 to 318 deal about punishment for causing miscarriage. Section 354 provides punishment for outraging the modesty of any women, S. 366 deals about kidnapping for marriage against her



will. Section 366-A deals about procurement of minor girls for sexual purpose. Section 376 deals about punishment for rape.

DISCUSSION

Section 494 protects women from bigamy. Section 497 deals about protection of married women from adultery. Section 498-A of Indian Penal Code deals about subjecting women to cruelty by her husband or relatives and her husband and S.509 provides punishment for uttering words and gesture or act intended to insult the modesty of a woman.

Sections 113(a), 113(b) and 114(c) provide for presumptions as to abetment of suicide by a married woman within 7 years of marriage, as dowry death of a woman and as to absence of consent of woman for sexual intercourse.

Section 18-A provides for obligations of husband to maintain his wife. Section 18(2) provides right of wife to live separately and S. 19 provides for maintenance of widow by her father-in-law.

Hindu Succession Act, 1956: Section 14 of the Act provides for property of female Hindu to be her absolute property. Section 23 provides right of female legal heirs in the dwelling house.

The Hindu Minority and Guardianship Act, 1956: Section 6 of the Act provides for mother as a natural guardian for minors below 5 years.



The Hindu Marriage Act, 1955: Section 13(2) of the Act provides for wife to present a petition for divorce. Section 13(b) provides equal right for wife for getting divorce by mutual consent. Section 24 of the Act provides for relief for interim maintenance and expenses. Section 25 of the Act provides for right to a wife to seek permanent alimony and maintenance and S. 26 of the Act provides right to claim custody of children.

The Dowry Prohibition Act, 1961: Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.

The Muslim Women (Protection of Right on Divorce) Act, 1986: Under the provisions of the Act provides for maintenance of women by the relatives after the iddat period.

The Factories Act, 1948: The provisions of this Act provides for health, safety, welfare, and working hours for women labourer working in factories.

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The Constitution of India has taken a long leap in the direction of eradicating the lingering effects of such adverse forces so far as women are concerned. Our Constitution makes express provision for affirmative action in favor of women. It prohibits all types of discrimination against women and lays a carpet for securing equal opportunity to women in all walks of life, including education, employment and participation.

CONCLUSION

Thus road map for women empowerment is there but still we have miles to go on this path of empowerment. We hope that in coming years ahead women empowerment will prove its worth. Women are an integral part of a society. They play an important role in determining the destiny of a nation. It has been rightly said by Swami Vivekanand, "The Best thermometer to the progress of nation is its treatment of women". Therefore, due recognition becomes all the more important. Every person should come forward to ensure equal status for women in all spheres of life.

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