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## WOMEN EMPOWERMENT IN INDIA :LEGAL PROVISIONS

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Received- 10.01.2022, Revised- 16.01.2022, Accepted - 20.01.2022 E-mail: designersri8@gmail.com

**Abstract:** *Empowerment is having more access to information and resources, being more independent in making decisions, having a greater ability to organise one's life, having more control over the conditions that affect one's life, and being free of customs, beliefs, and practises. Women's empowerment, then, is a process in which women challenge established conventions and culture in order to effectively promote their own well-being. Women's empowerment is a hot topic in India right now. There will be no discrimination on the basis of gender, according to the Indian Constitution. The Indian Constitution contains several legal safeguards for women's safety and empowerment, but the irony is that half of the population is unaware of their legal rights. In this paper, we will look at some of India's key legal measures for women's empowerment.*

**Key Words:** Women empowerment, Indian constitution, convention and culture, safeguards.

**I. INTRODUCTION-** In ancient India, women were treated equally to males in all spheres of life. According to Rigvedic lyrics, women married at a mature age and were likely allowed to choose their own husbands. During the early Vedic period, women had equal position and rights. Women's status began to deteriorate around 500 B.C., and the Islamic invasion of Babur and the Mughal empire, as well as Christianity, degraded women's independence and rights. Despite reform movements such as Jainism allowing women to join religious organisations, women in India were still subjected to confinement and restrictions. Child marriages are thought to have first occurred in the sixth century.

The Bhakti movements sought to restore women's dignity and challenged oppression in many ways. In modern India, traditions like as Sati, Jauhar, and Devadasi have been outlawed and are practically extinct. Some of these behaviours, however, can still be seen in India's far reaches. In some Indian groups, the purdah is still followed by women. Child marriage remains common in rural areas, although it is illegal under current Indian Law.

Many reformers, including Ram Mohan Roy, Ishwar Chandra Vidyasagar, and Jyotirao Phule, battled for the betterment of women throughout the British Raj. The first women's delegation, backed by the Indian National Congress, met with the Secretary of State in 1917 to seek women's political rights. The All India Women's Education Conference, held in Pune in 1927, became a prominent player in the social change movement. The Child Marriage Restraint Act of 1929 established a minimum age of fourteen for a girl to marry. Despite the fact that Mahatma Gandhi married at the age of thirteen, he later advocated for a ban on child weddings and urged young men to marry child widows.

Education, sports, politics, journalism, art and culture, service sectors, science and technology, and other fields in India are currently dominated by women. Indira Gandhi is the world's longest-serving female Prime Minister, having served as Prime Minister of India for a total of fifteen years.

The Indian Constitution not only guarantees women's equality, but also authorises the government to implement measures of positive discrimination in their favour in order to mitigate the accumulated socioeconomic, educational, and political disadvantages they experience. Fundamental rights include, among other things, ensuring equality before the law and equal protection under the law; prohibiting discrimination against any citizen on the basis of religion, race, caste, sex, or place of birth; and ensuring equal job opportunities for all people. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.



Laws related to women are classified under two major categories:-

**A. Indian Penal Code- Rape (Sec. 376 IPC) :**An individual who rapes will be punished with rigorous imprisonment of either sort for a time that shall not be less than seven years, but which may extend to life imprisonment, as well as a fine.

**Kidnapping & Abduction for different purposes ( Sec. 363-373) :** any person who is abducting a minor for purpose of begging or kidnapping minor/women for prostitution or illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Homicide for Dowry, Dowry Deaths or their attempts(Sec. 302/304-B IPC):** When a woman dies from burns or bodily harm, or dies under unusual circumstances, within seven years of her marriage, and it is proven that she was exposed to abuse or harassment by her in-laws or husband for or in connection with any dowry demand, such death is referred to as dowry death. Anyone who commits dowry death faces a minimum sentence of seven years in jail and a maximum sentence of life in prison.

**Torture, both mental and physical (Sec. 498-A IPC):** If a woman is subjected to physical or emotional abuse by her husband or a relative of her husband, the perpetrator will be sentenced to up to three years in jail and fined.

**Molestation (Sec. 354 IPC):** If a man assaults or uses illegal force on a woman with the intent or knowledge that he will infringe on her modesty, he will be sentenced to up to five years in jail, and he will also be subject to fines. **Sexual Harassment(Sec. 509 IPC):**If someone makes a harsh remark about the modesty of a woman by saying something, making a sound, showing an object, or entering her private space, he or she will be fined and imprisoned for a period of up to three years, and he or she will also be subject to a fine.

**B. Special Laws-** Despite the fact that not all laws are gender-specific, those that have a substantial impact on women have had their provisions examined and amended on a regular basis to keep up with changing needs. Women's rights are protected by a number of laws, including:

The Dowry Prohibition Act 1961 prohibits the request, payment or acceptance of a dowry "as consideration for the marriage", where "dowry" is defined as a gift demanded or given as a precondition for a marriage. Gifts given without a precondition are not considered dowry, and are legal, per section 3(2). Asking for or giving of dowry can be punished by imprisonment of up to six months, a fine of up to Rs. 15000 or the amount of dowry (whichever is higher), or imprisonment up to 5 years. It replaced several pieces of anti-dowry legislation that had been enacted by various Indian states.

The Immoral Traffic (Suppression) Act (SITA) (1956) is the primary law dealing with the status of sex workers. According to this law, prostitutes can practise their trade privately but cannot legally solicit customers in public. Organised prostitution (brothels, prostitution rings, pimping, etc.) is illegal. As long as it is done individually and voluntarily, a woman can use her body in exchange for material benefit. In particular, the law forbids a sex worker to carry on her profession within 200 yards of a public place. Unlike as is the case with other professions, sex workers are not protected under normal labour laws, but they possess the right to rescue and rehabilitation if they desire and possess all the rights of other citizens.

The Protection of Women from Domestic Violence Act 2005 is an Act of the Parliament of India enacted to protect women from domestic violence. Primarily meant to provide protection to the wife or female live-in partner from domestic violence at the hands of the husband or male live-in partner or his relatives, the law also extends its protection to women living in a household such as sisters, widows or mothers. Domestic violence under the act includes actual abuse or the threat of abuse whether physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition.



The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a legislative act in India that seeks to protect women from sexual harassment at their place of work. The Act will ensure that women are protected against sexual harassment at all the work places, be it in public or private. This will contribute to realisation of their right to gender equality, life and liberty and equality in working conditions everywhere. The sense of security at the workplace will improve women's participation in work, resulting in their economic empowerment and inclusive growth. Under the Act, which also covers students in schools and colleges as well as patients in hospitals, employers and local authorities will have to setup grievance committees to investigate all complaints. Employers who fail to comply will be punished with a fine of up to 50,000 rupees.

The Family Courts Act, 1954 The Court established to conclude upon matters relating to family law like matrimonial reliefs, custody of children, maintenance for wife and children etc is termed as Family Court. The Status of Women Committee in 1975 together with the report of the 59th Law Commission recommended the Central Government to establish a separate judicial forum to settle family disputes immediately before the beginning of the trial proceedings. Hence it was decided to establish a family court in India by the Act of 1984. The Family Court shall have the same status as that of a District Court and shall exercise the jurisdiction accordingly and also empowered to initiate suits and proceedings in par with the conditions stipulated by the Act. Where there is any chance for settlement of the dispute between the parties, the Family Court shall postpone the proceedings and take steps for settlement at the earliest. Under the Act a party to the dispute cannot claim the service of a legal practitioner as of right, but the Court shall have the power to appoint a legal professional. An aggrieved party may, however, prefer an appeal to the High Court from an order of the Family Court. The High Court shall frame rules in the matters connected there with, after publishing in the Gazette. The Act also confers power on the Central and State Government to formulate rules as prescribed under the Act.

**The Special Marriage Act, 1954-** Act of the Parliament of India enacted to provide a special form of marriage for the people of India and all Indian nationals in foreign countries, irrespective of the religion or faith followed by either party. The Act originated from a piece of legislation proposed during the late 19th century.

**The Marriage Laws (Amendment) Bill, 2010-** To amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954 to making divorce easier on ground of irretrievable breakdown of marriage was introduced in the parliament in 2012. The Bill replaces the words "not earlier than six months" in Section 13-B with the words "Upon receipt of a petition."

It also provides a better safe guard to wife by inserting section 13D by which the wife may oppose the grant of a decree on the ground that the dissolution of the marriage will result in financial hardship to her and that it would in all the circumstances be wrong to dissolve the marriage.

New section 13E provides restriction on decree for divorce affecting children born out of wedlock and states that a court shall not pass a decree of divorce under section 13C unless the court is satisfied that adequate provision for the maintenance of children born out of the marriage has been made consistently with the financial capacity of the parties to the marriage.

**The Maternity Benefit Act, 1961 (Amended in 1995)-** Section 8 of the Act reads as follows after April 2, 2008: "Payment of medical bonus. (1) Every woman entitled to maternity benefit under this Act shall also be entitled to receive from her employer a medical bonus of one thousand rupees, if no prenatal confinement and post-natal care is provided for by the employer free of charge.

(2) The Central Government may before every three years, by notification in the Official Gazette, increase the amount of medical bonus subject to the maximum of twenty thousand rupees.

The Medical Termination of Pregnancy (MTP) Act, which was enacted by the Indian Parliament in the year 1971 with the intention of reducing the incidence of illegal abortion and consequent maternal mortality and morbidity.



The MTP Act came into effect from 1 April 1972 and was amended in the years 1975 and 2002.

Pregnancies not exceeding 12 weeks may be terminated based on a single opinion formed in good faith. In case of pregnancies exceeding 12 weeks but less than 20 weeks, termination needs opinion of two doctors. The Act clearly states the conditions under which a pregnancy can be ended or aborted, the persons who are qualified to conduct the abortion and the place of implementation. Some of these qualifications are as follows:

**Women whose physical and/or mental health were endangered by the pregnancy**

**Women facing the birth of a potentially handicapped or malformed child Rape**

**Pregnancies in unmarried girls under the age of eighteen with the consent of a guardian**

**Pregnancies in "lunatics" with the consent of a guardian**

**Pregnancies that are a result of failure in sterilization**

**The Equal Remuneration Act, 1976-** An Act to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against two men in the matter of employment and for matters, connected therewith or incidental thereto.

A part from the above mentioned legal and constitutional provisions the Government of India has set up few **special initiatives for the protection and empowerment of women-** National Commission for Women is a statutory body of the Government of India, generally concerned with advising the government on all policy matters affecting women. It was established in January 1992 under the provisions of the Indian Constitution, as defined in the 1990 National Commission for Women Act. The objective of the NCW is to represent the rights of women in India and to provide a voice for their issues and concerns. The subjects of their campaigns have included dowry, politics, religion, equal representation for women in jobs, and the exploitation of women for labour. They have also discussed police abuses against women. The commission regularly publishes a monthly newsletter, *Rashtra Mahilain* both Hindi and English.

**Reservation for Women in Local Self-Government-** The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

The National Plan of Action for the Girl Child for 1991- 2000, is a specially formulated action plan by the Government of India to protect and promote the Girl Child. This plan seeks to prevent female foeticide and infanticide, eliminate gender discrimination, provide safe drinking water and fodder near homes, rehabilitate and protect girls from exploitation, assault and abuse.

**National Policy for the Empowerment of Women, 2001-** The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a National Policy for the Empowerment of Women in the year 2001. The goal of this Policy is to bring about the advancement, development and empowerment of women. The Policy will be widely disseminated so as to encourage active participation of all stakeholders for achieving its goals.

**CONCLUSION-** Our laws, development strategies, plans, and programmes have all attempted to advance women in many domains within the framework of a democratic democracy. There has been a noticeable shift in the approach to women's issues from welfare to development since the Fifth Five Year Plan (1974-78). In recent years, women's empowerment has been recognised as a critical factor in defining their status. The National Commission for Women was established in 1990 by an Act of Parliament to protect women's rights and legal entitlements. The 73rd and 74th Amendments to the Indian Constitution (1993) provided for the reservation of seats for women in Panchayats and Municipalities, creating a firm framework for female participation in local decision-making. India has also ratified a number of international agreements and human rights instruments that pledge to ensuring women's equality. The ratification of the Convention on the Elimination of All Forms of Discrimination Against



Women (CEDAW) in 1993 is one of the most important. The women's movement, as well as a large network of non-governmental organisations (NGOs) with a strong grassroots presence and a profound understanding of women's concerns, have helped to inspire projects for women's empowerment. The aspirations enshrined in the Constitution, legislation, policies, plans, programmes, and related processes, on the one hand, and the situational reality of women's status in India, on the other, remain vastly disparate.

#### REFERENCES

1. "Women in History". National Resource Center for Women. Archived from the original on 2009-06-19. Retrieved 24 December 2006.
2. Mishra, R. C. (2006). *Towards Gender Equality*. Authorspress. ISBN 81- 7273-306-2.
3. R. C. Majumdar and A. D. Pusalker (editors): *The history and culture of the Indian people*. Volume I, The Vedic age. Bombay: Bharatiya Vidya Bhavan 1951, p.394
4. "Vedic Women: Loving, Learned, Lucky!". Retrieved 24 December 2006.
5. "Heart of Hinduism Other Social Issues". Retrieved 2013-09-13.
6. "The Commission of Sati (Prevention) Act, 1987". Retrieved 24 December 2006.
7. "Honour, status & polity" by Pratibha Jain, SaEg?arm?.
8. "Status of Women in India" by Shobana Nelasco, p.11
9. Kalyani Menon-Sen, A. K. Shiva Kumar (2001). "Women in India: How Free? How Equal?". United Nations. Archived from the original on 11 September 2006. Retrieved 24 December 2006.
10. "National Policy For The Empowerment Of Women (2001)". Retrieved 24 December 2006.
11. "Rajya Sabha passes Women's Reservation Bill". *The Hindu* (Chennai, India). 10 March 2010. Retrieved 25 August 2010.
12. "Women of India: Frequently Asked Questions". 19 December 2006. Retrieved 24 December 2006.
13. Singh, S., & Hoge, G. (2010). Debating Outcomes for Working Women- Illustration from India, *The Journal of Poverty*, 14 (2), 197-215
14. "THE HINDU SUCCESSION (AMENDMENT) ACT, 2005". *Indiacode.nic.in*. 5 September 2005. Retrieved 3 April 2012.
15. "The Muslim Women (Protection of Rights on Divorce) Act". May 1986. Archived from the original on 27 December 2007. Retrieved 14 February 2008.
16. *Crime in India 2012 Statistics*, National Crime Records Bureau (NCRB), Ministry of Home Affairs, Govt of India, Table 5.1, page 385.
17. *Intimate Partner Violence, 1993-2010*, Bureau of Justice Statistics, US Department of Justice, table on page 10.
18. Reuters, Thomas (2011-08-13). "The World's 5 Most Dangerous Countries For Women: Thomson Reuters Foundation Survey". Retrieved June 2011.
19. Lakshmi Bai, Gayatri (2011-08-13). "The woman who conquered an acid attack". Retrieved August 22, 2007.
20. Carney, Scott (August 22, 2007). "Acid Attacks on Women in India". Archived from the original on 24 August 2007. Retrieved August 22, 2007.
21. Nadar, Ganesh (2011-07-11). "The woman who conquered an acid attack". Retrieved August 22, 2007.
22. *India's acid victims demand justice*, BBC News, 9 April 2008
23. "Child marriages targeted in India". BBC News. 24 October 2001.
24. Chowdhury, Renuka (26 October 2006). "India tackles domestic violence". BBC News. 2006-10-27.



Retrieved 25 April 2012.

25. Mahapatro, Meerambika; Gupta, R N; Gupta, Vinay K (August 26, 2014). "Control and Support Models of Help-Seeking Behavior in Women Experiencing Domestic Violence in India". *Violence and Victims* 29 (3): 464-475.
26. Mahapatro, Meerambika; Gupta, R N; Gupta, Vinay K (August 26, 2014). "Control and Support Models of Help-Seeking Behavior in Women Experiencing Domestic Violence in India". *Violence and Victims* 29 (3): 464-475.
27. Mahapatro, Meerambika; Gupta, R N; Gupta, Vinay K (August 26, 2014). "Control and Support Models of Help-Seeking Behavior in Women Experiencing Domestic Violence in India". *Violence and Victims* 29 (3): 464-475.
28. The Constitution of India, as modified upto the 1st Dec,2007.
29. Y.R. Manohar, 33rd Edition,2010, The Indian Penal Code.
30. S.K.Pachauri, Woman and Human rights.
31. Brijesh Babu, An Encyclopedia of Human Rights
32. National Commission of Women, New.nic.in

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