
LEGAL EMPOWERMENT OF WOMEN IN INDIA: AN ANALYSIS

SHILPA S. BYADAGI

"There is no tool for development more effective than the empowerment of women" - **Kofi Annan**

Abstract: Women Empowerment is an indispensable tool for advancing development and reducing poverty. A powerful society is unimaginable without economically and socially powerful woman. Empowered women contribute to the health and productivity of whole families and communities and to improved prospects for the next generation. But in view of the fact that the down of civilization in India and elsewhere the woman are not equally treated even in the present era of equality and human rights. A report of the United Nations say that "Women constitute half of the world population, perform nearly two thirds of work hours, receive one tenth of the world's income and own less than one-hundredth per cent of the world's property." But Women still suffer from discrimination, exploitation and victimization. The need of the hour is empowerment of women. Women empowerment may enhance their self-confidence and their ability and willingness to challenge oppression. The objective of this research paper is to analyze Legal Policies for Women Empowerment, Role of Judiciary and also Awareness.

Keywords: Women Empowerment, Legal Policies, Legal Provisions, Role of Judiciary, Women Commissions, NGO's.

Introduction:

"There is no chance of the welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on one wing." - **Swami Vivekananda.** The status of women in the society is the indicator of a nation's overall progress. Without the participation of women folk in national activity - its social, economical or political, the country's progress will be stagnated. In India, women are devalued traditionally and the men are normative reified. According to Hindu mythology, the word, "Ardhanarishvara" meaning, "The Lord whose half is a woman". We must work all together and both needs each other to survive and flourish. "There is no substitute to women empowerment if we have to bring social equality in the country. If women are unhappy, individual homes, society and the nation will not prosper," said Then President Pratibha Patil (Patil, 2012). In order to create a sustainable world, we must begin to empower women and girls. Empowering women empowers her family and in turn her community which translates to a powerful force that can change the world in significantly positive ways.

EMPOWERMENT: CONCEPT AND ITS MEANING: Women empowerment is very essential for the development of society. The idea of Women Empowerment came forward when the Third International Women's Conference at Nairobi in 1985 introduced and defined "women empowerment- as a re-distribution of social power and control of resources in favor of Women" So, it is a multidimensional social process that helps people to gain controls their own lives and thus enhancing their position in the power structure of the society.

As per the United National Development Fund for women (UNIFEM), the term women's empowerment means:

- Acquiring knowledge and understanding of gender relations and the ways in which these relations may be changed.
- Developing a sense of self-worth, a belief in one's ability to secure desired changes and the right to control one's life.
- Gaining the ability to generate choices exercise bargaining power.
- Developing the ability to organize and influence the direction of social change, to create a more just social and economic order, nationally and internationally.

Thus, empowerment means a psychological sense of personal control or influence and a concern with actual social influence, political power and legal rights. It is a multi level construct referring to individuals, organizations and community. It is an international, ongoing process centered in the local community, involving mutual respect, critical reflection, caring and group participation, through which people lacking an equal share of valued resources gain greater access to the control over these resources.

Definition and Impact of Legal Empowerment: Legal empowerment is "the ability of women and disadvantaged groups to use legal and administrative processes and structures to access resources, services, and opportunities." which tended to focus on providing information on legal rights or legal assistance. By giving women and disadvantaged groups specific knowledge and skills, it is hoped that they will become more confident about voicing their expectations and demand responsible action from

public officials and agencies. When large groups of people push for policy change at the grassroots level, they have better prospects of influencing governance and decision making and improving their lives.

Constitutional and Legal Provisions for Women in India: The importance of women as an important human resource was recognised by the Constitution of India which not only accorded equality to women but also empowered the State to adopt measures of positive discrimination in their favour. A number of Articles of the Constitution specially reiterated the commitment of the constitution towards the socio economic development of women and upholding their political right and participation in decision making. Drawing the strength from the constitutional commitments, the Government of India has been engaged in the continuous endeavor of concretely translating all the rights, commitments and safe guards incorporated in the Indian Constitution for women from *de jure* to *de facto* status. India has also ratified various international conventions and human 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.

Constitutional Provisions: 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 for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure 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, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42, 46, 47, 51(A) (e), 243 D(3), 243 D (4), 243 T (3), 243 T (4) of the Constitution are of specific importance in this regard.

The Special Laws: The State enacted several women-specific and women-related legislations to protect women against social discrimination, violence and atrocities and also to prevent social evils like child marriages, dowry, rape, practice of Sati etc. The recently notified Prevention of Domestic Violence Act, 2005, The Criminal Law (Amendment) Act 2013 is a landmark laws in acting as a deterrent as well as providing legal recourse to the women who are victims of any form of domestic violence, Rape and Acid Attacks. Apart from these, there are a number of laws which may not be gender specific but still have ramifications on women.

Some acts which have special provisions to safeguard women and their interests are:

- i. The Employees State Insurance Act, 1948
- ii. The Plantation Labour Act, 1951
- iii. The Family Courts Act, 1954
- iv. The Special Marriage Act, 1954
- v. The Hindu Marriage Act, 1955
- vi. The Hindu Succession Act, 1956 with amendment in 2005
- vii. Immoral Traffic (Prevention) Act, 1956
- viii. The Maternity Benefit Act, 1961 (Amended in 1995)
- ix. Dowry Prohibition Act, 1961
- x. The Medical Termination of Pregnancy Act, 1971
- xi. The Contract Labour (Regulation and Abolition) Act, 1976
- xii. The Equal Remuneration Act, 1976
- xiii. The Prohibition of Child Marriage Act, 2006
- xiv. The Criminal Law (Amendment) Act, 1983
- xv. The Factories (Amendment) Act, 1986
- xvi. Indecent Representation of Women (Prohibition) Act, 1986
- xvii. Commission of Sati (Prevention) Act, 1987
- xviii. The Protection of Women from Domestic Violence Act, 2005
- xix. Sexual Harassment of women at Work Place (Prevention, Prohibition and Redressal) Act, 2013
- xx. The Criminal Law (Amendment) Act, 2013

Other Initiatives for Women Empowerment:

National Commission for Women: In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc

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 (1991-2000): The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

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 Way Forward: The Indian constitution has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violation of human rights, and to provide support service to women. The

constitution has guaranteed equality to women but empowerment of Indian women has not yet happened because ignorance is the biggest enemy of them. Only consistent and sincere efforts along with education can change the thinking of people. This

requires that awareness should be created regarding the legislative provisions and policies. It will be a long drawn battle but ultimately sincere efforts will succeed.

References:

1. Ajit Kumar Sinha, *New Dimensions of Women Empowerment*, (New Delhi: Deep & Deep Publication Pvt. Ltd, et al., 2008)
2. D.R. Saxena, *Law, Justice and Social change*, (New Delhi: Deep & Deep Publications Pvt.Ltd, 2008)
3. Gour's *Empowerment of Women in India with Allied Laws & Useful Appendices*, (Allahabad: ed., Law Publishers (India) Pvt.Ltd, 2nd ed, 2003)
4. Jaspal Singh, "Rights of Women under the Indian Constitution: An Analysis", Vol,XXXVIII, *Indian Bar Review*, (2011) 65
5. M. LakshmiRaju, *Women Empowerment Challenges and Strategies*, (New Delhi: Regal Publications, 2007)
6. SawapnaMukhopadhyay, *In The Name of Justice Women and Law in Society*,(New Delhi: Ajay Kumar Jain for ManoharPublisher.ed, 1998)
7. The Concept and Profile of Women's Empowerment in India-shodhganga.inflibnet.ac.in:8080/jspui/bitstream/.. ./09_chapter%204.pdf, visited on: 12.2.2015.
8. *Law Alone Cannot: Women's Empowerment in India*www.luc.edu/media/lucedu/prolaw/.../pdfs/3 studentjournalcorsini1.pdf, visited on: 12.02.2015

Shilpa S. Byadagi

Research Scholar, Department of Studies in Law,
Karnatak University, Dharwad 580003.
Email: shilpabyadagi@gmail.com