

WOMEN EMPOWERMENT AND ROLE OF LAW IN INDIA

¹Dr. K. Florence

¹Associate Professor, Dept of Sociology, Faculty of Law, Dr.MGR Educational and Research Institute, Maduravoyal, Chennai, florenceflory40@gmail.com

Abstract

Women represent half the population of the society and it's far presumed that excellent introduction belong to the ladies. But it's miles a harsh fact that ladies had been sick-handled in each society for a long time and India is no exception. From tribal to agricultural to industrial societies to prepared states, the division of labour has primarily stemmed from physiological differences among the sexes, main to the strength resting with the men, resulting inside the mounted gender hierarchies. We have been proficient with records of discrimination; subjugation and suppression. From the cradle to grave, Women are below the clutches of numerous evils such as discriminations, oppressions, violence, in the circle of relatives, on the paintings places and inside the society. In order to ameliorate the condition of Women in India, Legislature enacted the massive volume of enactments and a lot of these law were enacted in colonial duration like: Abolition of Sati Act, 1829; Widow Remarriage Act, 1856; Child Marriage Restraint Act, 1929; Dowry Prohibition Act, 1961; and so on. Apart from these legal guidelines there are some enactments concerning enterprise or work which include special provisions for girls including: The Workmen Compensation Act, 1923; Payment of Wages Act, 1936; Factories Act, 1948; Maternity Benefit Act, 1961; Minimum Wages Act, 1948; Employees State Insurance Act 1948 and Pensions Act, 1987; etc. In this paper we're going to put mild on such laws those has helped in girl's empowerment in India.

Keywords: Women, discrimination, Women Empowerment, Law, India.

INTRODUCTION

In the 21st century, the arena is enthusiastically progressing and taking over the Women partake in uplifting the society and economy of the arena. Women empowerment is the important thing to reinforce their participation in the choice- making which is the most vital key to socio- financial development. The India is a developing country and its monetary popularity is also very terrible due to the male ruled us of a. Women represent roughly 50% of the state's populace and a majority of them stay economically established, without employment. Women empowerment may be very important to make the brilliant destiny of the family, society and country. Empowerment of girls would mean encouraging girls to be self-reliant, economically unbiased, have wonderful self-

esteem, generate confidence to stand any tough state of affairs and incite lively participation in various social-political development endeavors. Women empowerment can be greater relevant if and only if Women are educated. Education is a key issue for Women empowerment prosperity, development and welfare. Education has been identified as an essential agent of social change and development in any society and country Education is a vital

Way of empowering Women with the expertise, ability and self-worth important to fully take part in the development technique. Education is important for all, but important for the survival and empowerment of Women. Education of girls is helpful in eradicating many social evils such as dowry trouble, unemployment troubles and so on. Social peace

can also be effortlessly established. If girls are uneducated, the future generations will be uneducated. For this purpose the Greek warrior Napoleon as soon as said, "Give me a few knowledgeable moms, I shall give you a heroic race." In the latest years, various constitutional and prison rights were implemented by the government of Indian with a purpose to take away unwell practice and gender discrimination in opposition to Women. There is a list of protection legal guidelines for girls in India working in the discipline to provide protection to the ladies from all varieties of crimes in opposition to ladies. Women's rights are human rights. They cover each element of life-health, schooling, political participation, economic nicely being and freedom from violence, among many others. Women are entitled to the full and identical leisure of all types of discrimination this is essential to obtain human rights, peace and security and sustainable development. Various NGOs play vital function for ladies empowerment. Many schemes and programmes for ladies empowerment are provided by means of the Government. Women empowerment in India performs a very important role inside the standard improvement of the use of a. So, in an effort to make the use of a absolutely evolved, ladies empowerment is an crucial tool for the country. In 21st century.

REVIEW OF LITERATURE

Sreeramulu, M., & Chamundeswaramma, S. (2014) The Preamble of the Constitution of India says that justice; social, economic and political equality shall be the aim of Indian republic. The Constitution uses the word sex in Art. 15(1), 16(2) or 325 which prohibits discrimination on Scripture grounds. The empowerment of Women is an input which is intended to eliminate their subordination and establish equality. Empowerment is a positive concept. It requires affirmative state action in support of those who are to be powered. The constitution doubtless envisages state intervention on behalf of the disadvantaged section of society. The law can create such empowerment by way of conferring rights directly on the person whom it intends to empower or by imposing liability on other persons towards the persons to be empowered. For empowerment of Women in India, certain

existing laws have been amended and modified according to need of time. After independence in India several new laws have been enacted by creating penal sanction against certain types of behaviour that infringes, deprives or derogates the dignity of woman. Apart from the legislations enacted by the Central and State Governments, the apex court of the country and several High Courts of the States have protected Women by their judicial decisions giving special preference from men.

Singh, K. (2022) Maharishi Manu declared unequivocally "Yatra naarayastu poojayante ramante tatra devatah" It means where Women are respected, divine grace adores that place. Women are the symbol of sacrifice, kindness, excuse, softness, and tolerance. She is the kind-hearted 'mother' from whom blessings always flow for her children. The important point of this paper is to encourage equal opportunity. In today's scenario, Women's empowerment has become one of the most vital concerns of the 21st century. In India, Women's Empowerment is a buzzword today. The Indian Constitution ensures that there will be no segregation on the grounds of sex. Ladies' entrance could be conceivable solely after extended fights in court, and surprisingly then, at that point, their quality in the courts stayed irrelevant until the finish of the 20th century. Along these lines, ladies strengthening are an interaction wherein ladies challenge the current standards and culture, to viably advance their prosperity. Empowerment as a methodology is often associated with feminism. The subject of empowerment of Women has becoming a burning issue all over the world including India since last few decades. It is held that Women now cannot be asked to wait for any more for equality. In other words, Empowerment is not giving people power; people already have plenty of power, in the wealth of their knowledge and motivation, to do their jobs magnificently. Empowerment occurs through improvement of conditions, standards, events, and a global perspective of life. Murali, M. (2015) The status of Women in India has been subject to many great changes over the past few millennium. In early Vedic period Women enjoyed equal status with men. Rigved & Upanishads mention several names of Women sages and seers notably Gargi & Maitrey. However later the status of Women began to deteriorate approximately from 500 B.C., the

situation worsened with invasion of Mughals and later on by European invaders. Feminist activism picked up momentum in India during later 1970's. Later on Many groups and NGO's have been working for the Empowerment of women. We are proud that in India Women got voting right much before USA and some other European countries.

Borah, U. (2021,) India is a developing country but until and unless Women don't get their status and respect India can't be developed. Due to Gender Inequality Women are left behind. Violence against Women in India refers to physical or sexual violence committed against Indian Women, typically by a man. Any Kind of Violence Is Illegal and to bear the Violence is illegal too. It is an issue regarding economic development, educational, human rights and health. Its impact ranges from immediate to long-term multiple physicals, sexual and mental consequences for Women and girls, including death. Violence Against Women Is Continuing Since. The Ancient Period Mahabharata Cities the Violence against Droupati. Indian Society Has Always Revered Women. Many Female Deities Goddess Saraswati, Laxmi, Durga, Kali etc are worshipped across the Whole India. On other side, the system of patriarchal system is continuing since rig veda. Women suffer this and decide to remain silent because she is afraid of getting discriminated in the society where she can't speak or stood up against the crime she is been suffering. She is afraid because of the customs laid by our society. In such situations our patriarchal society will blame the Women but they will never feel the situation that she is going through.

RESEARCH METHODOLOGY

This paper is basically descriptive and analytical in nature. Through this paper, an strive has been made to analyze Women empowerment in India. The statistics used is only from secondary sources consistent with the want of study.

NEED AND SIGNIFICANCE OF THE STUDY

Women empowerment has the electricity to trade many stuff in the society and country if we want to make our country a evolved country, first of all its miles very vital to empower ladies by the efforts of men, authorities, lows and girls too. The need of girl's empowerment arose because of the gender discrimination and male domination inside the Indian society. To have the bright destiny in own family, society and country. Empowerment of Women is vital. Very few studies had been made on girl's empowerment in India. No research has been made on girl's empowerment in twenty first century. Today the empowerment of ladies has grown to be one of the maximum essential worries of twenty first century. Therefore, the researcher feels to undertake "A Study on Women Empowerment in 21st Century.

OBJECTIVES OF THE STUDY

The following are the unique goals

- ❖ To know the forms of Empowerment of Women.
- ❖ To analyze Women Rights, Legal Protection of Women in Indian Constitution.
- ❖ To know the role of NGOs in Women Empowerment.
- ❖ To recognize the Government Schemes and Programmes for Women Empowerment.
- ❖ To discover how Education has helped Women Empowerment.
- ❖ To review how Indian society is changing via Women Empowerment in the 21st century.

WOMEN EMPOWERMENT

Women Empowerment implies the capacity in Women to take decision close to their lifestyles and paintings and giving identical rights to them in all sphere like: private, social, monetary, political, right and so forth. We are residing in an age of ladies empowerment

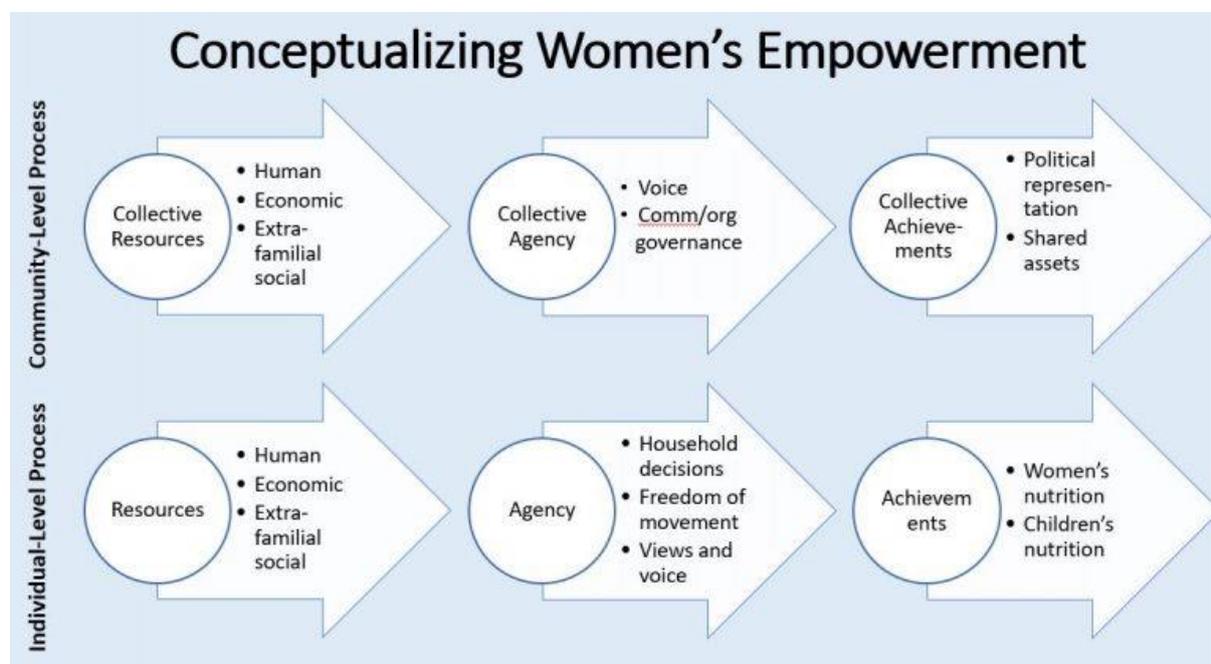
wherein girls are working shoulder to shoulder with guys. A woman additionally manages to balance between their commitment to their professionals properly as their domestic and circle of relatives. They are playing more than one roles as a mom, daughter, sister and wife and at running locations as specialists with superb simplicity and complexity.

over the years, making Women retailers who formulate choices, control resources and make strategic existence alternatives. She emphasized on the strategic life picks (choice of livelihood, marital decision and infant bearing choice) which might be taken into consideration as first-order selections and the way this effect second order choice (inculcating values in children, day by day family decision making and managing nicely being of the family) which can be much less consequential.

MODELS OF WOMEN EMPOWERMENT

Women empowerment is taken into consideration as a system that takes vicinity

Image 1: *Conceptual framework for Women's empowerment*



Source: <https://a4nh.cgiar.org/2017/05/01/a-framework-for-measuring-Women-empowerment-at-multiple-levels>

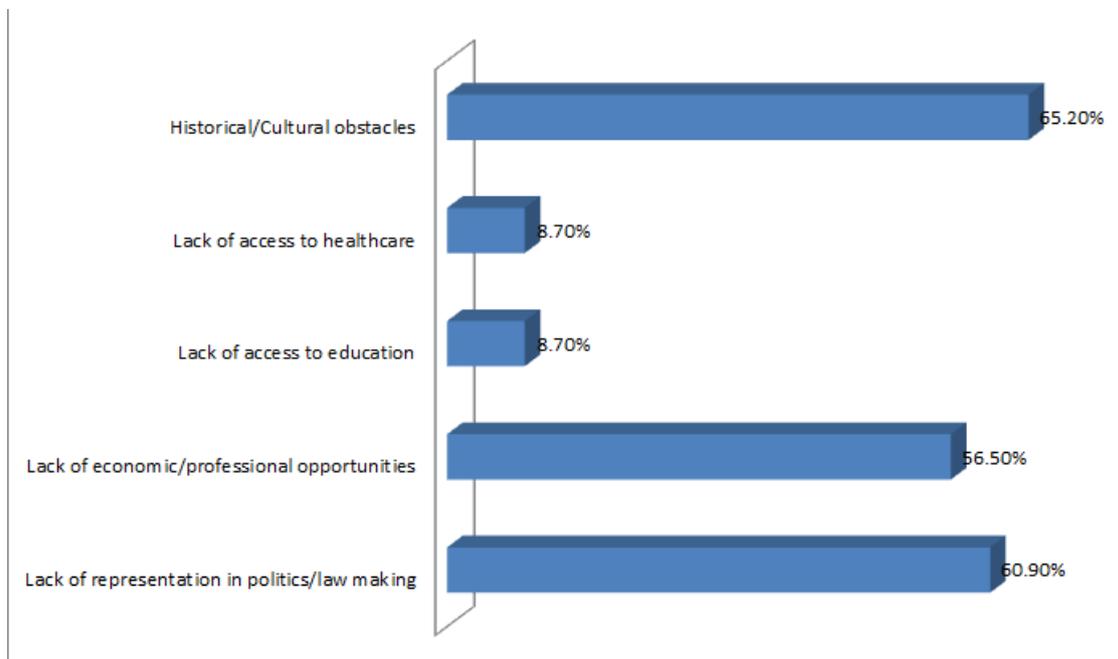
Women's empowerment based totally on a framework developed with the aid of Naila Kabeer (1999). This framework depicts empowerment as a dynamic method, wherein girls gather resources that allow them to develop voice – the ability to articulate options – and enterprise – the potential to make choices – to fulfill their own aspirations. These assets encompass human sources such as training attainment, talent development, and self-efficacy; social sources along with participation in groups, access to look networks, and get entry to to function fashions outside the family; and economic assets or material property together with profits, belongings, and land.

Resources permit but do not always assure empowerment due to the wider structural and normative environment wherein girls develop up. From a theoretical factor of view, a ladies' capability to emerge as empowered on the individual degree depends on the surroundings wherein she lives. If she is dwelling in a completely disempowered network, it'll be tough for her to benefit access to the assets to expand voice and corporation. So, it is important for communities to evolve with recognize to the possibilities for girls, norms approximately gender, and Women's collective voice and company. However, researchers haven't begun not finished a terrific job of

conceptualizing and measuring empowerment on the community stage and of evaluating the

influences of multilevel empowerment packages.

Image 2: *Obstacles in way of Women's empowerment*



Source: <https://theglobalforum.wordpress.com/2012/09/06/Women-in-the-21st-century-of-biology-historical-baggage-and-a-glass-ceiling/>

EMPOWERMENT THROUGH VARIOUS LAWS

The Indian penal code (IPC) is the initial regulation that defines and announces unique acts as crimes, and offers for punishment for the same. Provisions under the IPC associated with violence towards Women are summarized within the table below. In addition to the Indian penal code, crook legal guidelines have additionally been enacted on specific problems. These consist of:

❖ The Immoral Traffic (prevention) Act, 1956

In 1956 suppression of Immoral Traffic in Women and Girls Act referred to as SITA changed into handed. The simple goal of this Act turned into to punish brothel keepers, procurers and pimps and to prevent prostitution in or in vicinity of public places. The Act become amended in 1978 and greater recently in 1986 and now titled "the Immoral Traffic (Prevention) Act". The most important purport of the Act is to inhibit or abolish commercialized vice; namely, visitors in girls and ladies for motive of prostitution as a prepared meaning of dwelling.

❖ The Dowry Prohibition Act, 1961

In 1961, the Government of India passed the Dowry Prohibition Act, making the dowry needs in wedding ceremony preparations illegal. However, many instances of dowry-related domestic violence, suicides and murders were mentioned. In the Eighties, numerous such cases have been suggested. In 1985, the Dowry Prohibition (upkeep of lists of affords to the bride and bridegroom) policies had been framed. According to these guidelines, a signed listing of presents given at the time of the marriage to the bride and the bridegroom should be maintained. The list should comprise a quick description of each present, its approximate fee, the name of whoever has given the present and his/her courting to the person.

❖ The Indecent Representation of Women Act, 1986

To prevent indecent illustration of ladies in several paperwork, Parliament passed the Indecent Representation of Women Act, 1986. The item of the Act was to limit indecent illustration of Women through advertisements

or in publications, writings, artwork, figures or in any other manner.

❖ Commission of Sati Prevention Act, 1987

Act was enacted to provide for more effective prevention of the fee of Sati and its glorification and for subjects linked herewith or incidental thereto.

❖ The Pre thought and Pre-Natal diagnostic techniques (Prohibition of Sex Selection) Act, 1994

The Act gives for regulation of using pre-natal diagnostic techniques and for the prevention of the misuse of such techniques for the motive of prenatal sex will power main to lady foeticide.

❖ The safety of Women from Domestic Violence Act 2005

The objective of the Act is to provide for greater powerful protection of the rights of girls assured under the Constitution who are sufferers of violence of any kind happening inside the own family and for incidental subjects. The Supreme Court has given some of good sized judgments on ladies' rights in terms of crook regulation. In Vishal Jeet vs. Union of India [(1990)3 SCC318], the court issued guidelines to all kingdom governments and union territories to prohibit and eradicate infant prostitution, devadasi and jogin trade houses, and rehabilitate the sufferers, in Delhi domestic Working Women's Forum vs. Union of India, which concerned sexual attack of 4 domestic people with the aid of seven army officers in a shifting educate, the supreme court laid down some of suggestions for growing the sufferer's get admission to legal techniques for justice. In Upendra Baxivs. State of Uttar Pradesh [(1983) 2 SCC 308], the Supreme Court ordered government of shielding homes to defend the health of Women inmates without conflicting with their proper to dignity, in Sheela Barse vs. State of Maharashtra, the Supreme Court held that lady suspects ought to be stored in a separate lock up in the police station and not kept in which male suspects are detained. In Rekha Kholkar vs. State of Goa, the Bombay High Court offered reimbursement to Woman who became charged with theft and bodily assaulted and tortured with the aid of each male and female police, and issued instructions for

interrogation of Women suspects. In the case of Vishakha vs State of Rajasthan (AIR 1997 SC 3011) SC laid down distinct recommendations to save Women from sexual harassment at work places and considered it important and expedient for employers at paintings locations or institutions to look at those tips.

CONSTITUTIONAL RIGHTS TO WOMEN

The rights and safeguards enshrined in the constitution for Women in India are listed below:

1. Article 15(1) The state shall not discriminate against any citizen of Indian on the ground of sex.
2. Article 15(3) The state is empowered to make any special provision for Women. In other words, this provision enables the state to make affirmative discrimination in favor of Women.
3. Article 16(2) No citizen shall be discrimination against or be ineligible for any employment or office under the state on the ground of sex.
4. Article 23(1) Traffic in human beings and forced labour are prohibited.
5. Article 39(a) The state to secure for men and Women equally the right to an adequate means of livelihood.
6. Article 39(d) The state to secure equal pay for equal work for both Indian men and Women.
7. Article 39(e) 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 avocations unsuited to their strength.
8. Article 42 The state shall make provision for securing just and humane conditions of work and maternity relief.
9. Article 51-A(e) It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of Women.

10. Article 243-D(3) One third of the total number of seats to be filled by direct election in every panchayat shall be reserved for Women.

11. Article 243-D(4) One third of the total number of offices of chairpersons in the panchayats at each level shall be reserved for Women.

12. Article 243-T(3) One third of the total number of seats to be filled by direct election in every municipality shall be reserved for Women.

13. Article 243-T(4) The offices of chairperson in the municipalities shall be reserved for Women in such manner as the state Legislature may provide.

LEGAL RIGHTS TO WOMEN

To following various legislations contain several rights and safeguards for Women.

1. Protection of Women from Domestic Violence Act 2005.
2. Immoral Traffic (prevention) Act 1956.
3. Indecent Representation of Women (prohibition) Act 1986.
4. Commission of Sati (prevention) Act 1987.
5. Dowry Prohibition Act 1961.
6. Maternity Benefit Act 1961.
7. Medical Termination of Pregnancy Act 1971.
8. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994.
9. Equal Remuneration Act 1976.
10. Dissolution of Muslim Marriage Act 1939.
11. Muslim Women (Protection of Rights on Divorce) Act 1986.
12. Family Courts Act 1984.
13. Indian Penal Code 1860.
14. Code of Criminal Procedure 1873.
15. Indian Christian Marriage Act 1872.
16. Legal Services Authorities Act 1987.

17. Hindu Marriage Act 1955.

18. Hindu Succession Act 1956.

19. Minimum wages Act 1948.

20. Mines Act 1952 and Factories Act 1948.

The following other legislation's also contain certain rights and safeguards for Women.

1. Employees' State Insurance Act 1948.
2. Plantation Labour Act 1951.
3. Bonded Labour System (Abolition) Act 1976.
4. Legal Practitioners (Women) Act 1923.
5. Indian succession Act 1925.
6. Indian Divorce Act 1869.
7. Parsi Marriage and Divorce Act 1936.
8. Special Marriage Act 1954.
9. Foreign Marriage Act 1969.
10. Indian Evidence Act 1872.
11. Hindu Adoptions and Maintenance Act 1956.
12. National Commission for Women Act 1990.
13. Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act the 2013.

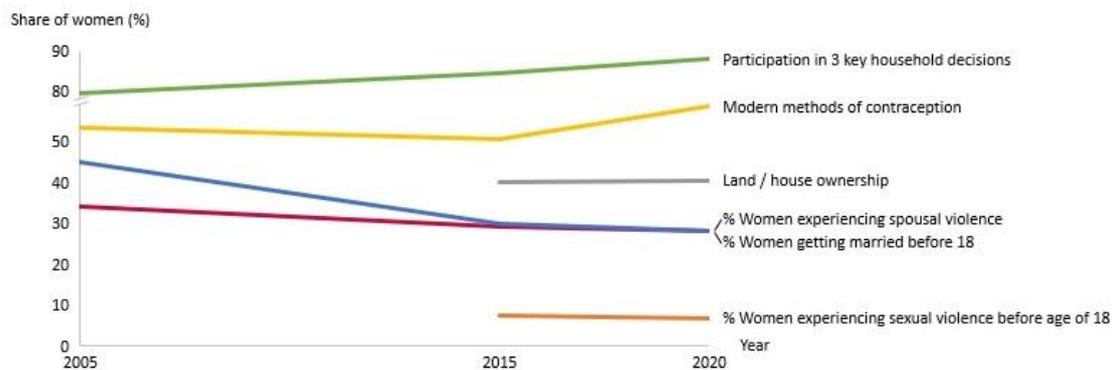
PRESENT SCENARIO ON WOMEN EMPOWERMENT

Many Social, financial and political provisions have been joined within the charter, related with girls by using our founding fathers. Women are in all area like Politics, training, sports, media, artwork ad way of life and technological know-how and Technology. Though they're deep rooted their ft. in all field, they are nonetheless humiliated, tortured, exploited and victimized. They are nonetheless subjected to social discrimination, Political discrimination, financial and training discrimination. Suggestions for further enhancement: "Women are an incarnation of shakthi the goddess of strength. If she is bestowed with education, Indian's energy with double. Let the lamp of educating daughter be

lit up in every heart – Sri Narendra Modi, Women empowerment builds self-confidence to face up to discrimination imposed by the male society which is till dominating the society. Women empowerment is the step of creating cognizance and potential constructing. So the priority must receive to the education of

ladies. Awareness programmes to be prepared to provide sufficient safety and guide to paintings. Strict implementation of programmes is wanted to curb the malpractices. Developing leadership traits amongst ladies need to ends in Women empowerment.

Chart 1: Trends observed across social empowerment indicators



Source: 5th National Family and Health Survey (NFHS)

- In 11 out of 22 states, land or homeownership among Women has reduced.

- The share of Women marrying below the age of 18 continues to be close to 30 percent—similar to 2015 levels.

- Trends around spousal violence are also stagnating, with almost one in three Women having had experienced some sort of physical or sexual violence from their husbands. The survey was conducted before the lockdown, and the fact that domestic violence has surged during the pandemic—an approximately 60 percent increase between November 2019 and 2020—is likely to have worsened these trends.

- Despite an increase in modern family planning methods, the burden of family planning continues to fall largely on Women, with female sterilization accounting for more than 60 percent of total contraception usage.

CONCLUSIONS

Therefore we see that in 21st century societies have being regular girls' empowerment for improvement of the sector, Women as an active agent for development, participation in and guiding their very own development. Women training are important within the 21st century

for Women empowerment. Education is a crucial tool that permits Women to take part in choices that have an effect on their lives and in improving their social popularity. Women empowerment makes them impartial selection makers. Through which social, political and financial improvement of a rustic is possible. So, to expand country. Women must be empowered from all guidelines. For this the ladies ought to be provided greater scopes and blessings.

As we heard quote quoted with the aid of Ms.Leela Seth that “all of us know that ladies are half of the arena and hold up half of the sky however where they are in terms of equality”. The concept of gender equality has roots in long again to history. To solve the discussion on gender equality the idea ladies empowerment grows. The present condition of ladies rely upon and historic time, British rule and social way of life of India. Judiciary time to time playing an critical function whilst the occasions arise When we inspect 21st century we can see Women are doing top notch in every and each filed. Empowering Women is to lead them to independent in all components from mind, idea, rights, choices and many others via leaving all the social and family limitations. It also carried equality in the society for both male and female in all areas. Women empowerment is very vital to make the

vibrant destiny of the family, society and United States of America. Still its long route to see its guys is equal to girls in society. It's not enough to enact some of law, legal guidelines, law there's want to accomplished social, financial, educations, social repute of Women.

Reference

- [1] Borah, U. (2021, March 25). Indian Legal System as An Source of Women Empowerment. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3789613
- [2] Murali, M. (2015, October 29). Women Empowerment in India. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2658666
- [3] Dr. D.Paul Dhinakaran, "Exports and Imports Stagnation in India During Covid-19- A Review" GIS Business (ISSN: 1430-3663 Vol-15-Issue-4-April-2020).
- [4] Singh, K. (2022, January 07). Empowerment of Women in the Legal Profession in the Independent India. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3968477
- [5] Sreeramulu, M., & Chamundeswaramma, S. (2014, September 22). Empowerment of Women and the Law. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2499350