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**EMPOWERMENT OF WOMEN VIS-A-VIS LEGAL SANCTIONS IN INDIA**

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**Abstract:** Empowerment of women refers to the enhancement of status and power of women in the structure of society. The Indian women have been shackled in the chains of society, caste, family, and prominently in gender discrimination. However, the principle of gender equality is enshrined in the Indian Constitution in its preamble, still in 21<sup>st</sup> century they are partially emancipated and empowered. Constitution of India not only provides equality to women, but also empowers the State to adopt measures in discriminatory in favour of women (Article 15(3)). India has also ratified various International Conventions to secure rights of women. In free India, women are positioned atop with men and in education also they are no less than men. Many laws have been modified, ratified and enacted viz; Hindu Marriage Act, 1956; Hindu Succession (Amendment) Act, 2005; The Muslim Women (Protection of Rights on Divorce) Act, 1986; Pre-Natal Diagnostic Techniques (Amendment) Act, 2002, etc. Notwithstanding the remarkable changes in their position, there are still great divergence between the Constitutional mandates and stark reality of deprivation and degradation of women condition. The fragrance of emancipation, empowerment full of the rights has been, inhaled and enjoyed by the urban and metropolitan women, but the rural women population is still, neglected. They are still, affected by caste and class division, patriarchal nature of family, social structure of the rural communities, ethnic and religious separatism and the like. 73<sup>rd</sup> and 74<sup>th</sup> Amendment to Constitution has brought the women on gross root platform of politics. However, in reality women representatives are ornamental in nature and political and social awareness are found lacking among them. There are long lists of the Laws and Acts enacted for the women's safety, security, health, education, life and their public participation. The women in India today have shifted the traditional view and assumption of their capabilities to modern approach. Laws for women today need more sensitiveness with new sophistication and feminist approach rather male-lead legal drafts.

**Keywords:** Empowerment, Women, Legal Sanctions, Constitution of India.

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*“Achieving the goal of equal participation of women and men in decision making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen the democracy and promote its proper functioning... Without the active participation of women and the incorporation of women's perspectives at all levels of decision-making, the goals of equality, development and peace cannot be achieved.”*

**-Fourth World Conference on Women, Beijing:  
Article 8i**

The women empowerment is considered one of the key factors in the determination of social structure and progress of society. The vague definition of term women's empowerment talks of the assessment of both, the narrower implications of attempting to measure or judge what is not easily measurable as well as the broader implications of replacing intrinsic arguments for feminist goals with instrumentalists ones. Therefore, **empowerment** refers to the process by which those who have been denied the ability to make the choice acquire such ability [1]. Women constitute 49.8% of our country's population; hence there can be no progress unless their needs are fully meet. Empowerment is not a ripe fruit, which shall fell down by itself, it is the policies, which shall bring empowerment in true sense, and such empowerment would not hold any meaning unless women are made strong, alert and aware of their equal status in the society. There are around 2000 projects running in India for the welfare and empowerment of the women.

Even, after sixty-four years of the independence, women are still one the most powerless and marginalised

section of Indian society. The Constitution of India is a progressive document that guarantees equal rights for the both sexes and entitles women to enjoy economic, social, and cultural rights on the equal footing with men.

The **Preamble to the Constitution** speaks of securing to all its citizens equality of status and of opportunity as well as justice- social economic and political. Article 15(1) of the Constitution prohibits the state from discrimination against any citizen on the ground of religion, race, caste, sex, place of birth or any of them. While Article 15(3), being the exceptional clause to the Article 15(1) and 15(2) declare that nothing under the provision shall prevent the State from making any special provision for women and children [2]. Provisions of Article 15(3) cannot be interpreted in a manner, so that it denies the rights already guaranteed to them under Article 15(1) and henceforth, the provisions of Article 15(3) for women cannot be challenged on the ground that there is no reasonable basis for the classification having regard to the object of the legislation, therefore the provision which confers special privilege to women have been held valid [3].

Despite the fact that many Articles in the Constitution of India provides for equality and empowerment of women, but still a large number of women are either ill equipped or not in position to propel themselves out of their traditionally unsatisfactory socio- economic condition, oppression and atrocities on women are still rampant. Patriarchy continues to be embedded in the social system in many parts of the India denying a majority of women the right of choice as how they live.

Although, gender discrimination has also been banned by the Constitution and women have been guaranteed political equality within, yet there is a difference between the constitutional rights and the rights enjoyed in reality by women. Even after half a century of independence, barring a few exceptions, women have mostly remained outside the domain of power and political authority. Although they constitute about half of the citizen and over the years their participation by way of voting has increased, yet their participation and representation in law making and law implementing bodies are not very satisfactory. No doubt the 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendment acts have provided access to women in the decision making process at the grass-root level but their representation in the Parliament and state legislatures are woefully poor [4]. Insecurity does not allow the women leaders to identify leadership at the grass-root level. In politics when a man proposes, they themselves depose. In reality women, representatives are ornamental in nature and political consciousness is found lacking among them. The caste and class divisions, feudal attitudes, patriarchal nature of the family and village-social, environmental, ethnic, religious separatism and the like affect them. They are members on record only. Allegedly, they are not consulted, while taking decision. Thus, women representatives are not free from male dominance in the village administration and no significant change in the power is equally observed in the villages. In these days of scam-ridden politics, the increasing role of money and mafia in elections keeps most of the women away from politics. Increasing violence and vulgarity against them intimates women and consequently they prefer to stay out of politics. India was one of the first democratic nations to grant women the right to vote. In, 2008 Women's Representation Bill was passed in the parliament, which envisages 1/8<sup>th</sup> of the seats to be reserved in the Lok Sabha and State Legislative Assemblies for the women. But it is expedient to eliminate the gender discrimination and promote female empowerment, women's decision making capacity at the household level and workplace. The ultimate objective of the reservation is to increase women's visibility in all policy decisions on the basis that women as well as men and affect women differently to men [5]. It is very ironical to see that India despite being the signatory to large number of International Conventions for the women's empowerment, but unfortunately the position of women is still very miserable. There are International Conventions such as, *Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)*, *Universal Declaration on Democracy, 1997* and *Beijing Platform for Action (BPFA), 1995*, etc. to which India is a signatory.

Women must become literate, as education is beneficial for them as well as their families. The family web is weaved around the women. She has to be up to the mark and educated so that she could fend for herself and her family during the hour of crisis. The status of

women would improve only if they educate themselves and grab every opportunity to become stronger and more powerful than before. There should be a better and fuller understanding of the problems peculiar to woman, to make a solution of those problems possible. As these problems centre round the basic problem of inequality, steps should be taken to promote equality of treatment and full integration of woman in the total development effort of the country. The main stress should be on equal work and elimination of discrimination in employment. One of the basic policy objectives should be universal education of woman, the lack of which tends to perpetuate the unequal status quo. The popular UNESCO slogan should come in handy:

***“Educate a man and you educate an individual; educate a woman and you educate a family”.***

“Women will have to empower themselves from below in order to compel the government to empower them from above” [6].

Further, there is a need for a change of values and behaviour in the society, a need for positive socio-cultural and economic empowerment and above all the willpower and strong determination of women to join politics. Education can play a vital role in bringing about the desirable behavioural changes among the women and make them well equipped in terms of knowledge, competence and capacity to deal with different political problems.

The suppression of years of Indian women seems to come at ease, where Hindu law has been duly moulded in favour of women and, women are given the rights of **Divorce** [7] and also became coparcener by the Hindu succession (Amendment) Act, 2005 [8]. Apart from these there are certain important policies which have vital implication for the women empowerment such as National Policy for Empowerment of Women 2001. The Government of India has created an Independent Ministry of Women and Child Development to ensure the equality of women and reduce their marginalisation in all walks of life. Women are the most sufferers in Indian society and keeping in view their suffering the Government has made many laws and by-laws [9]. The *Dowry Prohibition Act, 1961* and *The Protection of Women from Domestic Violence Act, 2005*, have given more safety and security to women against harassment in demand of dowry or any kind of domestic violence respectively, which often committed in Indian society. *National Rural Health Mission, 2005* was launched with strong commitment to reduce maternal and infant mortality, provide universal access to public health etc. *Janani Suraksh Yojana, 2005* is an initiation of the Government to reduce maternal and neo natal mortality and promote medical relief to the poor pregnant women.

Notwithstanding the remarkable changes in the position of women in free India, there is still a great divergence between the constitutional position and stark reality of deprivation and degradation. Whatever whiff of emancipation has blown in Indian society, has been

inhaled and enjoyed by the urban women, their population belonging to the rural areas are still totally untouched by the wind of changes[10]. They still have been living in miserable conditions, steeped in poverty, ignorance, superstition and slavery. There still exists a wide gulf between the goals enunciated in the Constitution, legislations, policies, plans, programmes and related mechanisms on the one hand and the situational reality on the status of women in India.

**Conclusion:** The emancipation of women is not a simple matter. It requires the attitudinal change of the husband, other family members and society as a whole to the women. The community consciousness and bureaucratic efforts are integral parts of the implementation of the programmes. The first and foremost priority should be given to the education of

women, which is the grass root problem. The struggle for gender justice will be slow, strenuous and protracted, as the change cannot be brought about easily. It has to be fought at emotional, cognitive and action levels. The struggle has to be carried on within caste, class, race, religion, everywhere in which man woman relationships figure and matter. There is no doubt about the fact that development of women has always been the central focus of planning since Independence. Empowerment is a major step in this direction but it has to be seen in a relational context. A clear vision is needed to remove the obstacles to the path of women's emancipation both from the government and women themselves. Efforts should be directed towards all round development of each and every section of Indian women by giving them their due share.

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