

AN INTERPRETATION OF THE LEGAL REGIME FOR WOMEN EMPOWERMENT IN INDIA

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Abstract: Gender has always shaped the legal and cultural landscapes of all countries. Women, though numerically equal are a minority group in terms of power and influence. Despite the laws being enacted, discrimination and violence continues to prevail for women across all nations. Women are constantly trying to empower themselves economically, politically and socially. This paper attempts to throw light upon the law of the land and the existing legislations that are in favour of women empowerment. Further, there is also mention of the various governmental schemes that bind the concept of women empowerment in the country. The authors have suggested suitable conclusions in order to better the situation of women and how women empowerment can be achieved in actuality.

Keywords: Discrimination, empowerment, legislations, schemes, violence, women.

Introduction: The issue of women empowerment is a highly debated topic in the modern society. The role, position and the power that a woman holds in the modern society needs to be assessed to derive the actual stand of a woman in the society. In a patriarchal and male dominated society, women in the present days have made their mark in every field such as education, sports, politics, art, media, culture, science and so on. They have a large hand in the progress of the nation at large.

‘Empowerment’ refers to increasing the spiritual, political, social or economic strength of individuals and communities. It often involves the empowered developing confidence in an individual’s own capacities.

According to the UN’s definition, Women Empowerment comprises of five main components. They can be pointed out as:

- Woman’s sense of self worth
- Right to have and determine choices
- Right to have access to opportunities and resources
- Right to have the power to control their own lives, both inside and outside of home
- Ability to influence the direction of social change to create more economic and social order, nationally and internationally;

Constitutional Protection And National Commission For Women

Gender Equality and Protection under the Constitution: Women are in need of empowerment – social, political and economic. In India, when the constitution was drafted, the makers were sensitive to the issues faced by women and made specific provisions that catered to the wellbeing of women per se. The *Suprema Lex*, in its various articles mandates equality of the sexes.

Constitutional Provisions

Preamble: 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. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women’s advancement in different spheres. The source of the Constitution is traced to the people of India i.e., both men and women of India, irrespective of their caste, community, religion or sex. The goals in the preamble have been incorporated to give equal rights to men and women in terms of status and opportunity. The preamble provides for equal justice to all citizens be it men or women. The preamble emphasizes on three major aspects with regard to rights of an individual. They are as follows:

Political Rights: Women have equal political rights as men which enables them to take part effectively in the administration of our country. However this has led to little effect as they are negligibly represented in politics. Their representation in the Lok Sabha is far below the expected numbers. Illiteracy, lack of political awareness, physical violence and economic dependence are a few reasons which curb women from taking part in the political process of the country.

Economic Rights: Certain laws have been incorporated in the legislation to improve the condition of women. Matters relating to wages, maternity benefits, equal remuneration and property/succession have been enacted to provide necessary protection in these areas.

Social Justice: In the area of criminal justice, gender neutrality of law worked as a disadvantage for an accused woman because in some cases, this imposed heavy burden on the prosecutrix like in cases of rape, dowry harassment etc. These examples of gender insensitivity were tackled by the judiciary and

incorporated in binding decisional laws to provide social justice in void spheres.

Fundamental Rights: The Constitution of India 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. Human rights are an entitlement to human being. Specific provisions have been made by the makers of the constitution for the betterment and upliftment of women. Article 14 ensures to women the right to equality.

- Article 15(1) specifically prohibits discrimination on the basis of sex.
- Article 15(3) empowers the State to take affirmative actions in favour of women.
- Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office.

Directive Principles of State Policy: Directive principles of State Policy also contains important provisions regarding women empowerment and it is the duty of the government to apply these principles while making laws or formulating any policy. Though these are not justifiable in the Court, nevertheless they are essential for governance.

Article 39 (a) provides that the State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.

Article 39 (d) mandates equal pay for equal work for both men and women.

Article 42 provides that the State to make provision for securing just and humane conditions of work and for maternity relief.

Fundamental Duties: Fundamental duties are enshrined in Part IV-A of the Constitution and are positive duties for the people of India to follow. It also contains a duty related to women's rights:

Article 51 (A) (e) expects from the citizen of the country to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women.

Other Constitutional Privileges: Through 73rd and 74th Constitutional Amendment of 1993, a very important political right has been given to a woman which is a landmark in the direction of women empowerment in India. With this amendment women were given 33.33 percent reservation in seats at different levels of elections in local governance i.e. at Panchayat, Block and Municipality elections.

Specific Laws for Women Empowerment in India:

The following acts are special provisions that keep women empowerment as the major feature behind its enactment. To uphold the Constitutional mandate, the The Crimes Identified under the Indian Penal Code (IPC) is:

1. Rape (Sec. 376 IPC)
2. Kidnapping & Abduction for different purposes (Sec. 363-373)
3. Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
4. Torture, both mental and physical (Sec. 498-A IPC) (v)
5. Molestation (Sec. 354 IPC) (vi)
6. Sexual Harassment (Sec. 509 IPC) (vii)
7. Importation of girls (up to 21 years of age)

Government Policies and Schemes for Women Empowerment:

The improvement and empowerment women have received is especially due to their own efforts and struggle, though governmental schemes are also there to help them in their endeavor.

In the year 2001, the Government of India launched a National Policy for Empowerment of Women. Some of the main objectives of the policy are as follows:

- Creation of an environment for enjoyments of all human rights and fundamental freedom by women on equal basis with men in all political, economic, social, cultural and civil spheres.
- Providing equal access to participation and decision making of women in social political and economic life of the nation.
- Providing equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public life etc.
- Strengthening legal systems aimed at elimination of all forms of discrimination against women.

Special Initiatives for Women

- National Commission for Women
- Reservation for Women in Local Self Government
- The National Plan of Action for the Girl Child (1991-2000)
- National Policy for the Empowerment of Women, 2001

Conclusions and Suggestions: In conclusion, it can be said that women in India, through their own efforts and with the help of Constitutional, legal provisions and also with the aid of Government's various welfare schemes, are trying to find their stand and are constantly in the quest for it. Their participation in employment- government as well as private and in socio-political activities of the nation and their presence at the highest decision making bodies is improving by the day.

However, we are still far behind in achieving the equality and justice which the Preamble emphasizes upon. The real problem lies in the roots of our country which is bound by the patriarchal and male-dominated system of our society. A society which considers women as subordinate to men and creates different types of methods to shun them. The need of the hour is to educate and sensitize male members of the society regarding women issues and try to inculcate a feeling of equality among them so that they would stop their discriminatory practices towards women who are no less than their own peers. Various NGOs should come up in support of women and be their voice and help them speak out loud about their issues and problems faced. Women's empowerment is a magnitude word in the process of human development in present time. The extent to which a woman is empowered has the ability to speak for herself and take decisions measures the true progress of the society. A society where women are treated as equals is a healthy society. The development of laws with regard to women can see a positive change in the status of women. Nevertheless, there are several loopholes in the legal structure while talking about the issue of women empowerment. The law enforcement mechanisms should take their right place and be just while implementing such acts which are made for the

welfare of the women. The justice dispensation process must identify and utilize these enactments duly and rightly according to its purpose and should thereby protect the women. They should be effective enough to identify the remedies that can be given to women who have been victimized. They should also provide judgments without any bias and abide by the rule of law.

The problem is not with the availability of laws that protect women but with its implementation. There should be a proper mechanism to tract the implementation of such acts and provisions that have been made precisely for such causes of women development.

Also, people should be made aware of their rights and privileges. There is a huge gap between the people and the judiciary because people are so unaware of what they are entitled to. Legal cells should take up the initiative to educate the rural women of their rights and stop them from tolerating further atrocities and discrimination at home or in their society. The topic of women empowerment is of immense relevance in the present day and must be dealt with even more critically. The numerous laws for the essential enforcement of basic human rights relating to women must be justified on a larger scale which can be done only through its effective implementation.

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