

LAW AND WOMEN EMPOWERMENT

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ABSTRACT

The Law plays a pivotal role in Women Empowerment. It ensures women about gender equality as well as their rights in social, economic and political domains. International Conventions, Constitutional provisions and national laws have always strived to abolish the gender based discrimination and violence, workplace inequality, barriers to education and healthcare. Women have been gifted with multiple wings of law provisions that make them empowered as fully engaged citizens. It helps women to contribute in all walks of life with their new ideas and perspectives. Women empowerment is must to help our economy grow and to build a better society for all. However, the progress hindering reasons can be legal loopholes, enforcement issue and cultural resistance. Women empowerment related laws should not remain only in law books. Women must actually be familiar with law provisions. To make women empowerment a success, there must be strong mechanisms for law implementation, spread of legal knowledge, legal literacy programmes and judicial reforms to ensure that laws can bring genuine empowerment for women across diverse societies.

INTRODUCTION

In a word still struggling with gender inequalities, women empowerment stands as a challenge and law can be an important assist. Women empowerment means not only getting access to opportunities but also fostering a societal shift where they can realize their potential, where they can also be contributor and creative destiny shapers.

From ages, all over the world, women are always considered as vulnerable. It is only laws that can bring them out of the insulting category of vulnerable and empower them for better world.

The world policies and subsequently Indian Policies and law provisions regarding women empowerment are proving fruitful provided that the women must be introduced with related law provisions.

World Policies on Women Empowerment

1. Convention on the Elimination of All Forms of Discrimination Against Women.

This Convention was adopted in 1979 by the United Nation's General Assembly and came in to force in 1993. This Convention sets out the conditions and provisions for discrimination against Women. Its 30 Articles lay down various measures like ; gender equality and sets up Courts and Tribunals for women protection.

2. The United Nations Organization and Women Empowerment.

Since the day of UNO inception till the date, the UN has been playing a vital role in Women Empowerment. UN efforts can be explained through following references:

- The Charter of United Nations, 1945.
- The Universal Declaration of Human Rights, 1948.
- Convention on the Political Right of Women, 1953.
- Convention on the Nationality of Married Women, 1957.
- The Declaration or Elimination of Discrimination against Women, 1967.
- The Convention of Elimination of All Forms of Discrimination against Women, 1979.

- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999.
- The ILO Convention to Protect Women and
- Commission on the Status of Women.

Following U.N. Principles to Empower Women

- Incorporate a high level leadership to help maintain gender equality.
- To treat all women and men equally.
- To maintain equality in giving empowerment to both men and women, promote education, provide professional training for development.
- To ensure health and wellbeing of women.
- To promote equality by implementing various initiatives.
- To prepare report on the progress of achieving gender equality.
- In Indian scenario the following examples proves progressive Women Empowerment movement.

Environmentalists: Ladies who contributed in Chipko, Bishnoi and Narmada Bachao movements.

- Social Reformers : Savitribai Phule, Sarojini Naidu and so on ...
- Political Leaders : Indira Ganghi, Annie Besant, Kamala Neharu and so on
- Entrepreneurs : Kiran Mazumdar – Shaw, Falguni Nayar, Upasana Taku, Vineeta Singh and so on
- Philanthropists : Sudha Murty, Rohini Nilekani, Anu Aga, Sangita Jindal and so on
- Defence : Gunjan Saxena, Priya Jhingan, Mitali Madhumita And so on
- Science and Technology : Debjani Ghosh, Roshni Nadar Malhotra, Anna Mani and so on
- Police : Kiran Bedi, D Roopa, Sanjukta Parashar and so on
- Space Science : Ritu Karidhal, Nandini Harinath, Anuradha T.K. and so on
- Agriculture : Rahibai Soma Popere, Kavitha Kuruganti, Sosamma Iype, Vandana Shiva and so on ...

HISTORY OF INDIAN WOMEN EMPOWERMENT

Indian Women Empowerment in early Vedic Period was praiseworthy. Ladies could participate in religious ceremonies. In RigVeda, some female Rishis are mentioned. Some notable female scholars are Lopamudra, Apala, Viswambhara, Gargi and Maitreyi.

The worse condition of Women due to patriarchal system became worst in the Medieval Period. Women were deprived of their basic human rights. Social evils like, child marriage, dowry systems, polygamy, Devdasi system etc. were in practice.

During 19th century, there was demand for equal status of Women, eradication of Sati, child marriage prohibition and re marriage. Reformers like Raja Ram Mohan Roy, Vivekanand, Dayanand Saraswati, Mahatma Phule, Savitribai Phule, Annie Besant opined the need for free access of education to all women.

In the 20th Century, there was formation of All India Women's Conference, 1927. Subsequently, a number of welfare legislations were passed to accelerate the legal status of women in India. i.e. Child Marriage, Restraint Act, 1929, Widow's Remarriage Act 1956, Hindu Women's Right to Property Act,

1937, Factories Act, 1948 and the Maternity Benefit Act, 1961 and the latest Nari Shakti Vandana Abhiyan 2023.

CONTEMPORARY INDIA :

The Constitution of India has envisaged the principles of Equality, Liberty and Social Justice. Articles No. 14,15,16 prohibit discrimination on grounds of sex and ensure equal opportunities to Women. As per the direction of U.N. General Assembly, a committee on the status of Women in India (CSWI) was constituted in 1947. The National Commission for women was established. Such provisions are empowering the Indian Women.

Indian Constitution as well as National Commission for women are contributing more in Women empowerment.

Provisions in the Indian Constitution regarding Women Empowerment.

I. Articles 14, 15 and 16 – Gender equality

Art. 14 – equality before law.

Art. 15 – prohibition of discrimination

State can make special provisions for female upliftment

Art. 16 – guarantee of equal opportunity in public employment irrespective of religion, race, caste, sex and birth place.

II. Article 39 – Directions for the State Policies in favour of Women and Children.

Art. 39 (a) – equal rights to have adequate livelihood means

Art. 39 (d) – equal pay for equal work.

III. Article 42 – directions for State to provide humane conditions of work, maternity, relief and justice.

IV. Article 51 (A) (e) – requires the State to renounce practices that demean women’s dignity.

V. Article 300 (A) – Right of Property to Women.

V. Article 243 (T) – As per 73rd and 74th Amendment Act 1992, Reservation of 1/3rd of seats for women in Local Administration bodies like Panchayats and Municipalities are enforceable.

THE NATIONAL COMMISSION FOR WOMEN

Being a statutory body of Indian Government, this Commission has lion’s share in women empowerment in India. This Commission advises the Government on policies affecting women. This Commission functions under National Commission for Women Act, 1990 through its different cells:

1. NRI Cell – Deals with issues related to NRI marriages, desertion and abandonment.
2. Policy Monitoring Research Cell – Works on issues related to women’s socio-economic conditions.
3. North East Cell – Works on issues related to women in North East.

ACTS FOR WOMEN EMPOWERMENT.

1. The Indecent Representation of Women (Prohibition) Act 1986.

It is mandatory that there can be no indecent representation of women in any form, it may be print, media and advertisement etc.. This Act strives for protection of the dignity and decency of women.

2. The Hindu Succession Act, 1956 –

There is amendment in this Act in 2005 and so known as The Hindu Succession (Amendment) Act, 2005

It has granted daughters' rights in property in joint families.

3. The Prohibition of Child Marriage Act, 2006 –

This Act prevents minors from forced marriages and safeguards their rights. This Act aims that girls to be mature, educated and be able to make proper choice of their lives and marriages. It makes the girls' health and wellbeing secured.

4. The Equal Remuneration Act, 1976 –

This Act mandates that both men and women must be paid equal remuneration for equal work.

5. The Maternity Benefit Act, 1961 –

The Maternity Benefit (Amendment) Act, 2017 –

This Act has increased the duration of paid maternity leave for women employees 12 weeks to 26 weeks; 8 weeks before the expected delivery date and 18 weeks after delivery.

- Leave for Adoptive and commissioning mothers – 12 weeks
- Work from home – After 26 weeks, the women can work from home on the terms that are mutually agreed with the employee.
- Creche Facility – Mandatory for every establishment employing 50 or more employees.

Mothers are permitted to visit crèche 4 times during a day. If no crèche facility, there should be two and half hours rest.

6. The Medical Termination of Pregnancy Act, 1971-

Under this Act, the pregnancy of 20 weeks is allowed to be terminated if it's essential for saving her life or if the pregnancy is resulted from rape.

7. The Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act, 2013 –

This Act helps to curb any kind of harassment of women at work place and protects them. This Act mandates to establish the internal committees and POSH (Prevention of Sexual harassment) policy for addressing complaints and promote redressing of the cases.

A landmark Case - Vishakha and Ors. V/s. State of Rajasthan.

8. The Protection of Women from Domestic Violence Act, 2005 –

This Act is very important Act to protect women oppressed by domestic violence. This Act protects married as well as women living in relation. This act protects Women from physical, emotional, sexual, verbal and economic abuse.

A landmark Case – Bibi Parwana Khatoon V/s. State of Bihar, 2017.

RIGHTS FOR INDIAN WOMEN

I.Right to self-defence :- Under Sections 35, 36 and 38 of The Bharatiya Nyaya Sanhita (BNS), 2023.

II.Right to Free Legal Aid :- Any woman can get free legal support if she can't pay for it under The Legal Services Authorities Act, 1987.

III.Right Against Dowry :- Every woman in this country is free from dowry demands and related harassment under The Dowry Prohibition Act, 1961.

IV.Right at Workplace :- All women shall work in safe environment and they shall be free from any form of discrimination or harassment under Equal Remuneration Act, 1976, The Maternity Benefit Act, 1961 and Amendment Act, 2017 and Sexual Harassment of Women at Workplace Act, 2013.

- V.Right Against Domestic Violence :- The women are given protection against domestic violence may it be physical, mental or sexual under Protection of Women from Domestic Violence Act, 2005.
- VI.Right to Dignity and Decency :- All women must lead a life of respect, equality, decency and free from fear, force, violence or discrimination under Article 21 of Indian Constitution and Sexual Harassment of Women at Workplace Act, 2013.
- VII.Right to Equal Pay :- Women must receive equal pay for equal work under Equal Remuneration Act, 1976.
- VIII.Right to Maintenance :- Every married woman has right to receive maintenance from her husband even though they don't live together under The Hindu Marriage Act, 1955, Protection of Women from Domestic Violence Act, 2005.
- IX.Right to Education :- Every child aged 6 to 14 will get free and compulsory education under The Right to Education Act (RTE), 2009.
- X.Right to Vote :- All citizens above the age of 18 years have Right to Vote under Article 326 of Indian Constitution.

CONCLUSION :-

Voting Right is a milestone in Women Empowerment movement. The latest Nari Shakti Vandana Abhiyan, 2023 provides 1/3 reservation for women in Law making bodies. However, we can't avoid the grey side i.e. of women literacy rate. Women literacy rate is lower than men in India. Dr. Babasaheb Ambedkar says that education makes a person aware of his rights and inspire him to struggle for his rights. So many more legal literacy awareness campaigns must be held for women. Literate women, with the help of Law Provisions can fight gender inequality, assert their rights and ultimately empower themselves.

Empowering women is a process where women's rights must be supported by everyone including society, family educational and professional institutions and Government. Women Empowerment helps to create a Welfare Society where both men and women will always be successful.

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- 6) The Equal Remuneration Act,1976
- 7) The Maternity Benefit(Amendment) Act,2017
- 8) The Medical Termination Of Pregnancy Act,1971
- 9) The Factories (Amendment) Bill,2016.