

NEED OF WOMEN EMPOWERMENT AND LAWS IN FAVOR OF WOMEN

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ABSTRACT

India government is very keen for the women empowerment and has made a number of laws regarding it. Due to the emergence of the gender inequality, the need of the empowerment of women is felt in Indian society. The social status of women of a country is very important in order to the make further developments.

Women should be given equal priority as in the case of men. There should be no partiality in terms of gender in any field of life. According to the laws, all the people are same in status and no kind of inequality can be done in terms of gender. The Indian society has been following the old book traditions where women are treated as inferior to the men. Now, with the introduction of modernization, this concept of gender inequality needs to be stopped and in this scenario, Indian government has made a number of laws to protect the fundamental rights of Indian women. The current paper highlights the need of women empowerment and various laws in favor of women.

KEYWORDS: Women, Empowerment, Law, Society

INTRODUCTION

Indian constitution has mentioned the policies regarding the fundamental rights of women in order to increase the level of empowerment of women in India. In this scenario, the Article No. 14 of Indian institute mentions the term of gender equality where it is stated that all the people of this country are same and have equal status and no person can make any kind of differentiation between them in relation to their gender criteria.

Similarly, Article 15(1) of the Indian Constitution specifies the prohibition of sexual discrimination. Further, Article 15(3) facilitates the States with the power of taking hard decisions against the anti-women institutes so that the task of empowering the women can be done easily.

Article 16 of the Indian constitution highlights the gender equality in profession i.e. a woman has the basic right to choose any professional career and job for her progress and no person can make any kind of interruption in influencing her decision. Legal terms also guide the company owners to provide appropriate office environment to the working women so that they can be preserved from the physical and mental harassment at the work places.

According to Indian law, the Article 39(a) points out the State for the better implementation of the rules and regulations regarding the security of rights of women related to the women empowerment. It is the duty of the States to provide the equal opportunities to the women as in the case of men without any provision of gender partiality.

For the working women, Article 39(d) mentions the point regarding the same pay scale of women for the same job and work as given to the male persons. It also suggests that any organization or

institution can pay lower salary to their women employees for the same job and work violating the rules.

For better and effective establishment of the women empowerment, Article 42 of the Indian Penal code provides the provision related to the protection of workplace atmosphere and provides the services of maternity relief to the working women.

Also, there are many laws which are made by Indian government for the empowerment of women in India. There are laws against dowry system which facilitates the provision of punishment on finding guilty of demanding of dowry.

Also, there is Domestic Violence Act, 2005 which also provides the provision of punishing the guilty persons on physically and mentally torturing the women. Hence, Indian government has made a number of laws in favor of women and their empowerment.

WOMEN EMPOWERMENT AND LAWS IN FAVOR OF WOMEN

The Supreme Court of India stated that “it is well accepted by thinkers, philosophers and academicians that if Justice, Liberty, Equality and Fraternity, including social, economic and political justice, the goals formulated by the Preamble of the Constitution, are to be achieved; the Indian polity has to be educated with excellence.

Article 51 A(e) states that it is the duty of every citizen in India to renounce practices derogatory to the dignity of women. Section 14 of the Hindu Succession Act, 1956 strives for removing gender based discrimination and effectuating economic empowerment of Hindu women. The Right to Elimination of Gender Based Discrimination (REGD) so as to attain economic empowerment forms part of Universal Human Rights. Article 2(f) of CEDAW States are obliged to take all appropriate measures; including legislation, to abolish or modify gender based discrimination in the existing laws, regulation, customs and practices that constitute discrimination against women. Article 15(3) of the Constitution of India positively protects such acts or actions.

The Constitution of India is a basic document which provides for women empowerment within the framework of the plenary provision of Articles 14, 15(3), 21, 39(a), 51A(e) and Preamble. The women are protected within the area of social justice with these Articles. The Government of India took initiation to secure equal rights of women, by introducing the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993.

The Constitution of India granted equality to women and empowered the State to take special measures of positive discrimination by eliminating the cumulative socio economic, education and political disadvantages faced by the women. The Fundamental Rights ensure equality before the law and equal protection of law and prohibit any kind of discrimination against women irrespective 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 of the Constitution are of specific importance in this regard.

The creation of gender-sensitive development policies depend up on the accurate and accessible information about women at both the national and international levels. In this regard, it is vital that a common data base of gender and age-disaggregated statistics be available to all government agencies, and also that common methodologies and statistical indicators be used in data-gathering. This disaggregation is vital to follow-up actions targeted at the well-being of girls, adolescents and women and to identify areas in the life-cycle of women during which gender disparities are greatest.

There is also a great need to promote research; gather facts and compile statistics concerning domestic violence; encourage research about the causes, nature, gravity and consequence of

violence against women; and test and analyze the effectiveness of measures to thwart gender-based violence and document its recovery process. The unsocial practices based on male child preference, early marriage, education up to schooling and dowry are the causes of the retardation of the progress of the women empowerment. Reproductive and sexual health are affected by the economic, social, cultural and educational environment in which girls are born, grow to womanhood, marry and repeat the process in starting their own families.

Violence against women is not the issue of any particular region or group; it is an ugly universal, crossing the frontiers of ideology, social class and ethnic identity. At the individual level, violence disrupts the lives of women, limits their options, undermines their confidence and self-esteem, and impairs their health psychologically as well as psychically.

It denies them their human rights and hinders their full participation in society. Violence against women deprives society of the full participation of women in all aspects of development, not just in terms of hours of labor missed due to violence, but also in terms of the cost of services to the victims. It also has serious consequences for the mental and bodily health of dependent children.

DISCUSSION

Section 494 protects women from bigamy. Section 497 deals about protection of married women from adultery. Section 498-A of Indian Penal Code deals about subjecting women to cruelty by her husband or relatives and her husband and S.509 provides punishment for uttering words and gesture or act intended to insult the modesty of a woman.

Sections 113(a), 113(b) and 114(c) provide for presumptions as to abetment of suicide by a married woman within 7 years of marriage, as dowry death of a woman and as to absence of consent of woman for sexual intercourse.

Section 18-A provides for obligations of husband to maintain his wife. Section 18(2) provides right of wife to live separately and S. 19 provides for maintenance of widow by her father-in-law.

Hindu Succession Act, 1956: Section 14 of the Act provides for property of female Hindu to be her absolute property. Section 23 provides right of female legal heirs in the dwelling house.

The Hindu Minority and Guardianship Act, 1956: Section 6 of the Act provides for mother as a natural guardian for minors below 5 years.

The Hindu Marriage Act, 1955: Section 13(2) of the Act provides for wife to present a petition for divorce. Section 13(b) provides equal right for wife for getting divorce by mutual consent. Section 24 of the Act provides for relief for interim maintenance and expenses. Section 25 of the Act provides for right to a wife to seek permanent alimony and maintenance and S. 26 of the Act provides right to claim custody of children.

The Dowry Prohibition Act, 1961: Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.

The Muslim Women (Protection of Right on Divorce) Act, 1986: Under the provisions of the Act provides for maintenance of women by the relatives after the iddat period.

The Factories Act, 1948: The provisions of this Act provides for health, safety, welfare, and working hours for women laborer working in factories.

Gender injustice is a problem that is seen all over the world. Whatever the causes may be, it is our duty of humans to protect the human rights of those who are victims. Women have been ill-treated in every society for ages and India is no exception. Indian judiciary feel convinced of the need for women's empowerment-by law and by legal means.

The Constitution of India has taken a long leap in the direction of eradicating the lingering effects of such adverse forces so far as women are concerned. Our Constitution makes express provision



for affirmative action in favor of women. It prohibits all types of discrimination against women and lays a carpet for securing equal opportunity to women in all walks of life, including education, employment and participation.

CONCLUSION

Thus road map for women empowerment is there but still we have miles to go on this path of empowerment. We hope that in coming years ahead women empowerment will prove its worth. Women are an integral part of a society. They play an important role in determining the destiny of a nation. It has been rightly said by Swami Vivekanand, "The Best thermometer to the progress of nation is its treatment of women". Therefore, due recognition becomes all the more important. Every person should come forward to ensure equal status for women in all spheres of life.

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