

# Legal Provisions for Women Empowerment



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The condition and position of women in society shows the cultural status and richness of the civilization. From the very beginning we can believe that there must be no discrimination on basis of gender. With the time they divided their works according to their needs and privileges. Which furthers converts into an rigid system which covered by law made by male dominated societies.

But this posit is was not always same it's changed in various period of time with ups and downs. At the time of independence our founders of constitution and Law makers were very sensitive and aware for the protection women's right and dignity. They were well known that an educated and well established women can be the founder of great nation. At that time the position of women were very bad even dangerous. They were treated like properties and have no choice but surrender under male dominance.

Of course, we have women leaders in our freedom movement but they were very few and it was not the real image of women's condition in our country.

Bearing the above condition in their mind and to reach gender equality they try to upgrade the position of women with providing verious privileges and rights.

Gender equality is one of the very important goals of our constitution. The principle of gender equality is enshrined in the Indian constitution in its preamble Fundamental rights, Fundamental duties and Directive Principle.

## **Constitutional Provisions :-**

Through the various provisions they try to abolish the gender discrimination.

**Art. 14** - Speaks about 'Equality before law' means have equal rights without any gender discrimination

**Art. 15-** Clearly stated that the prohibition of discrimination on grounds of sex.

But one step ahead to gender equality its also empowers the state to make any special provisions for women and children **Art. 15 (3)**.

**Art. 16-** Provides equal opportunity in public employment.

**Art. 39-(a)** Equal right to adequate means of livelihood.

(d) Equal pay for equal work. Equal right of health and strength (e)

**Art. 42-** Provision for just and human conditions of work and maternity relief.

**Art. 46-** Promotion of educational and economic interest of S.C., S.T. and other weaker sections. i.e. women and Children.

**Art. 51 (A) (e)-** To renounce practices derogatory to the dignity of women.

**Art. 243 (D) (3)-and (4)-** One third seats shall be reserved for women's in Panchayts.

**(T) ¼3) & (4)-** One third seats shall be reserved for women in Municipal corporation.

With above stated provisions of constitution we have various other legal provisions in other laws to protect the women digeity and right and tackle the gender discrimination

#### **Indian Penal code :-**

- i. Dowry death (304-B)
- ii. Molestation 354
- iii. Kidnapping and abduction (Sec 359 to 373)
- iv. Rape (Sec 375, 376, 376A, 376B, 376C, 376D,)
- v. Unnatural offences (Sec 377)
- vi. Cruelty by husband and relative (Both mental and Physical) 498A
- vii. Insult or harras the women 509

These are the heinous crimes against women's having grave punishment. In spite of these there are many other provisions in this Act to protect women dignity and protection against crime.

Above mention provisions are of only one Act we also have many other special Acts for such protection and strengthen them such as -

- i. The Family courts Act, 1954
- ii. The Special Marriage Act, 1954
- iii. The Hindu Marriage Act, 1955
- iv. The Hindu Succession and Ammended act, 2005.
- v. Immoral Traffic (Prevention) Act, 1956
- vi. The Maternity Benefit Act, 1961(Amend. 1995)

- vii. Dowry Prohibition Act, 1961
- viii. The Medical Termination of Pregnancy Act, 1971
- ix. The contract Labour (Regulation and Abolition) Act, 1976
- x. The Equal Remuneration Act, 1976
- xi. The prohibition of child Marriage Act, 2006
- xii. Indecent Representation of women (Prohibition) Act, 1986
- xiii. Criminal Procedure code, 1983
- xiv. Commission of Sati (Prevention) Act, 1987
- xv. The Protection of women from Domestic violence Act, 2005

These are some special laws for the protection of women. The important thing in this is if any provision of these Act having conflict with there general laws, the provision under these special laws shall prevail.

#### **Necessity of these Laws.**

The condition of women in our society was very dangerous and thinkable. The discrimination was present in every field of life and in each behavior. The women were treated like properties, they used as a sexual instrument at the name rituals, they have no right in properties, they living as a secondary citizen. Families were not interested in their education. They have no (or nominal) representation in public services. They were misbehaved at service places. They were ill treated at the name of rituals and practices.

To stop all these practices and torches. There were two main step should be taken -i) Awareness, and ii) Legal Provisions.

With the higher rate illiteracy and ill practices and badly rooted ill rituals, people rigidness at the name of God and religion it is very time taking and non practical aspect.

The next was by making laws, against these discrimination this step was more particle and uniform in country like India. With the deterrent effect punishment to people were worry to do such things.

Also, India has signed various international conventions and human rights instruments committing to secure equal rights of women.

#### **Benefits of these provisions to improve the life of women**

Now we can say the status of women are changing. These provisions surely provide some comfort them to improve and standardise theirs life. Now we can see them in every area even in those

which are generally known as male dominate or exclusive like in space science, rocket science, battlefield, missile technologies. And not only in these high profile fields even at lower level related with our daily life i.e. auto driver, bus driver or conductor. This provide them a larger span to improve their life made them much more independent and earn livelihood.

Inspite of above stated provision and Acts we are still far behind to constitutional goal of gender equality. Of course these provision and legal developments help us to lead towards gender equality. But this is insufficient and limited for our goal. There are many loopholes and inadequacy in the provisions as well as executing of it.

The main loophole is that the authorities are male dominated or unrecognized number of women. which leads to struck down the real motive of these provisions. These male members or officers are working with the same mindset of male dominance. Also, victim women feel hesitation to share her problem with them.

Another loophole is increasing number of fake complaints under women's protection Acts. Although most of these allegation are genuine but because of few fake allegation the offender and the persons against these provocation get chances to spread views against these laws and also try to make them toothless tiger.

One more and most important defect is delayed execution and justice. This leads the victim and their family members to frustration. And the offender get chances to disturbed the evidence and investigation. With the long run of cases people not willing to help the victim. Justice delayed is like justice denied. The powerful people have no fear of law because delaying in the process the evacuate from the allegation.

#### **Correction and further Developments-**

To achieve the goal of gender equality we must have to focus more at this goal. We have to eradicate the situations and practices against the gender equality.

We have to implement these provisions fairly and strictly. Watch strictly that the benefits should reach to the genuine person and in time.

Established special courts having full infrastructure to deals with crimes against women. Decide the case in reasonable time. Our executive authorities should be trained specially and more skilled to deal with. They should be sensitive to these issues. They should have special power to lead the truth. Women staff should be in sufficient amount and trained.

Also, frustrate the false allegations and punished the person to do this.

Most important thing which matters a lot is P-ublic awareness. Any law cannot give result, as public awareness can. People himself should sensitive to these issues. In families moral values and women respect should be important.

#### **REFERENCE**

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