

# Women Empowerment in India and Judicial Activism

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## Abstract

*‘There is no tool for development more effective than the empowerment of women.’*

-Kofi Annan

Women empowerment includes empowerment within the family and empowerment in the society. Involvement of women in decision making, earning, sharing of basic needs and commanding respect for self is a pre-requisite to the empowerment of women in Indian society. Women are also required to participate actively in the process of development namely policy making, planning, implementing and evaluation along with their male counterpart. The raising social status of women, increasing educational opportunities, obtaining employment opportunities, sharing economic resources, raising of standard of living, active participation of women in governance and so on constitute the process of ‘empowerment of women’ in letter and spirit. 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 favour 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. India is the second most populous country in the world after China. According to 2011 census from India has about 1210569573 population and the women constitute about 587447730. There are about 72% of women who reside in rural areas and most of them live below the poverty line. The sex ratio is 943 females per 1000 males this skewed sex ratio between men and women has resulted in steep imbalances in the society due to the preference for the male child, patriarchal social order, lower level of education, lower level of health care among rural women, female mortality during pre and post pregnancies and other factors. There is a sharp division and discrimination based on sex and caste in society in respect of securing justice of equality, liberty, dignity and other basic rights and needs to lead a decent life in Indian society.

**Key words-** Women empowerment, society, Constitution of India judiciary, Women rights.

## Introduction

*“You can tell the condition of a nation by looking at the status of its women”*

– Pt. Jawaharlal Nehru

In the past few years, the safety of women in India has been down because of some continuous and terrible crimes against women. There has been decline in the women status from ancient to medieval period which is continued in such an advanced era. Women of India have equal rights as like as men of this country as they occupy almost half population of the country and involved in half proportion in the growth and development of the country. It is true that women in modern India are joining high offices (President, Speaker of Lok Sabha, Union Ministers, Leader of Opposition, Chief Minister, Governor, etc) however on the back of curtain they are being exploited too. According to

the Constitution of India, they have equal rights of dignity, equality, and freedom from gender discrimination. Indian women are continuously facing numerous problems such as sexual harassment, violent victimization through rape, acid attack, dowry deaths, forced prostitution, and many more.

## What is women empowerment?

Women empowerment means emancipation of women from the vicious grips of social, economical, political, caste and gender-based discrimination. It means granting women the freedom to make life choices. Women empowerment does not mean 'deifying women' rather it means replacing patriarchy with parity. In this regard, there are various facets of women empowerment, such as given hereunder:—

**Human Rights or Individual Rights:** A woman is a being with senses, imagination and thoughts; she should be able to express them freely. Individual empowerment means to have the self-confidence to articulate and assert the power to negotiate and decide.

**Social Women Empowerment** A critical aspect of social empowerment of women is the promotion of gender equality. Gender equality implies a society in which women and men enjoy the same opportunities, outcomes, rights and obligations in all spheres of life.

**Educational Women Empowerment** It means empowering women with the knowledge, skills, and self-confidence necessary to participate fully in the development process. It means making women aware of their rights and developing a confidence to claim them.

**Economic and occupational empowerment** It implies a better quality of material life through sustainable livelihoods owned and managed by women. It means reducing their financial dependence on their male counterparts by making them a significant part of the human resource.

**Legal Women Empowerment** It suggests the provision of an effective legal structure which is supportive of women empowerment. It means addressing the gaps between what the law prescribes and what actually occurs.

**Political Women Empowerment** It means the existence of a political system favoring the participation in and control by the women of the political decision-making process and in governance.

## WOMEN EMPOWERMENT IN INDIA

### Historical Background:

From ancient to modern period, women's condition-socially, politically and economically- has not remained same and it kept changing with times. In ancient India, women were having equal status with men; in early Vedic period they were very educated and there are references of women sages such as Maitrayi in our ancient texts. But with the coming of famous treatise of Manu i.e. Manusmriti, the status of women was relegated to a subordinate position to men.

All kinds of discriminatory practices started to take from such as child marriage, devadashi pratha, nagar vadhu system, sati pratha etc. Women's socio-political rights were curtailed and they were made fully dependent upon the male members of family. Their right to education, right to work and right to decide for themselves were taken away.

During medieval period the condition of women got worsened with the advent of Muslim rulers in India; as also during the British period. But the British rule also brought western ideas into the country. A few enlightened Indians such as Raja Ram Mohun Roy influenced by the modern concept of freedom, liberty, equality and justice started to question the prevailing discriminatory practices against women. Through his unrelenting efforts, the British were forced to abolish the ill-practice of Sati. Similarly several other social reformers such as Ishwar Chandra Vidyasagar, Swami Vivekananda, Acharya Vinoba Bhave etc. worked for the upliftment of women in India. For instance, the Widow Remarriage Act of 1856 was the result of Ishwar Chandra

Vidyasagar's movement for improving the conditions of widows.

Indian National Congress supported the first women's delegation which met the Secretary of State to demand women's political rights in 1917. The Child Marriage Restraint Act in 1929 was passed due to the efforts of Mahhommad Ali Jinna, Mahatma Gandhi called upon the young men to marry the child widows and urged people to boycott child marriages.

During freedom movement, almost all the leaders of the struggle were of the view that women should be given equal status in the free India and all types of discriminatory practices must stop. And for that to happen, it was thought fit to include such provisions in the Constitution of India which would help eliminate age-old exploitative customs and traditions and also such provisions which would help in empowering women socially, economically and politically.

## CONSTITUTION OF INDIA AND WOMEN EMPOWERMENT

India's Constitution makers and our founding fathers were very determined to provide equal rights to both women and men. The Constitution of India is one of the finest equality documents in the world. It provides provisions to secure equality in general and gender equality in particular. Various articles in the Constitution safeguard women's rights by putting them at par with men socially, politically and economically.

The Preamble, the Fundamental Rights, DPSPs and other constitutional provisions provide several general and special safeguards to secure women's human rights.

### Preamble:

The Preamble to the Constitution of India assures justice, social, economic and political; equality of status and opportunity and dignity to the individual. Thus it treats both men and women equal.

### Fundamental Rights:

The policy of women empowerment is well entrenched in the Fundamental Rights enshrined in our Constitution. For instance:

- 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 action's in favour of women.
- Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office.

These rights being fundamental rights are justifiable in court and the Government is obliged to follow the same.

**Directive Principles of State Policy:** Directive principles of State Policy also contain 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 but these are essential for governance nonetheless. Some of them are:

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 Provisions:**

Through 73rd and 74th Constitutional Amendment of 1993, a very important political right has been given to women 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.

Thus it can be seen that these Constitutional provisions are very empowering for women and the State is duty bound to apply these principles in taking policy decisions as well as in enacting laws.

**The position of Women in India:** The position enjoyed by women in the Rig- Vedic period deteriorated in the later Vedic civilization. Women were denied the right to education and widow remarriage. They were denied the right to inheritance and ownership of property. Many social evils like child marriage and dowry system surfaced and started to engulf women. During Gupta period, the status of women immensely deteriorated. Dowry became an institution and Sati Pratha became prominent.

During the British Raj, many social reformers such as Raja Rammohun Roy, Ishwar Chandra Vidyasagar, and Jyotirao Phule started agitations for the empowerment of women. Their efforts led to the abolition of Sati and formulation of the Widow Remarriage Act. Later, stalwarts like Mahatma Gandhi and Pt. Nehru advocated women rights. As a result of their concentrated efforts, the status of women in social, economic and political life began to elevate in the Indian society.

**Current Scenario on Women Empowerment** -. Based on the ideas championed by our founding fathers for women empowerment, many social, economic and political provisions were incorporated in the Indian Constitution. Women in India now participate in areas such as education, sports, politics, media, art and culture, service sector and science and technology. But due to the deep- rooted patriarchal mentality in the Indian society, women are still victimized, humiliated, tortured and exploited. Even after almost seven decades of Independence, women are still subjected to discrimination in the social, economic and educational field.

**Major landmark steps taken for women empowerment.**- Provisions made under the Constitution of India such as: Right to equality under Article 14 of the Indian Constitution guarantees to all Indian women equality before law; Equal pay for equal work under Article 39(d), guards the economic rights of women by guaranteeing equal pay for equal work; and Maternity Relief under Article 42, allows provisions to be made by the state for securing just and humane condition of work and maternity relief for women.

Acts like the Dowry Prohibition Act, 1961, prohibits the request, payment or acceptance of a dowry. Asking or giving dowry can be punished by imprisonment as well as fine; Protection of Women from Domestic Violence Act, 2005, provides for a more effective protection of the rights of women who are victims of domestic violence. A breach of this Act is punishable with both fine and imprisonment; Sexual Harassment of Women at Work Place (Prevention, Prohibition, and Redressal) Act, 2013, helps to create a conducive environment at the workplace for women where they are not subjected to any sort of sexual harassment.

**Panchayati Raj Institutions** As per the 73rd and 74th Constitutional Amendment Act, all the local elected bodies reserve one-third of their seats for women. Such a provision was made to increase the effective participation of women in politics. **Women's Reservation Bill:** It is a pending Bill in India which proposes to reserve 33% of all seats in the Lok Sabha and in all State Legislative Assemblies for women. If passed, this Bill will give a significant boost to the position of women in politics.

**Various Government Policies and Schemes-** The Government of India is running various welfare schemes and policies, both at State and Central levels for the empowerment of woman. Some of the major programs and measures include Swadhar (1995), Swayam Siddha (2001), Support to Training and Employment Programme for Women (STEP-2003), Sabla Scheme (2010), National Mission for Empowerment of Women (2010) etc. All such policies and programs focus on social, economic and educational empowerment of women across various age groups.

Thus, there has been no dearth of social, economic, political, legal and Constitutional efforts made for the empowerment of women both prior to and post-Independence. However, women in India continue to face atrocities such as rape, dowry killings, acid attacks, human trafficking, etc. According to a global poll conducted by Reuters, India is the "fourth most dangerous country in the world for women".

### **SPECIFIC LAWS FOR WOMEN EMPOWERMENT IN INDIA**

Here is the list of some specific laws which were enacted by the Parliament in order to fulfil Constitutional obligation of women empowerment:

The Equal Remuneration Act, 1976.

The Dowry Prohibition Act, 1961.

The Immoral Traffic (Prevention) Act, 1956.

The Maternity Benefit Act, 1961.

The Medical termination of Pregnancy Act, 1971.

The Commission of Sati (Prevention) Act, 1987.

The Prohibition of Child Marriage Act, 2006.

The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.

The Sexual Harassment of Women at Work Place (Prevention, Protection and) Act, 2013.

Above mentioned and several other laws are there which not only provide specific legal rights to women but also gives them a sense of security and empowerment.

### **INTERNATIONAL COMMITMENTS OF INDIA AS TO WOMEN EMPOWERMENT**

India is a part to various International conventions and treaties which are committed to secure equal rights of women.

One of the most important among them is the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), ratified by India in 1993.

Other important International instruments for women empowerment are: The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the Platform for Action (1995) and the Outcome Document adopted by the UNGA Session on Gender Equality and Development & Peace for the 21st century, titled "Further actions and initiatives to implement the Beijing Declaration and the Platform for Action". All these have been whole-heartedly endorsed by India for appropriate follow up.

These various national and International commitments, laws and policies notwithstanding women's situation on the ground have still not improved satisfactorily. Varied problems related to women are still subsisting; female infanticide is growing, dowry is still prevalent, domestic violence against women is practised; sexual harassment at workplace and other heinous sex crimes against women are on the rise.

Though, economic and social condition of women has improved in a significant way but the change is especially visible only in metro cities or in urban areas; the situation is not much improved in semi-urban areas and villages. This disparity is due to lack of education and job opportunities and negative mind set of the society which does not approve girls' education even in 21st century.



## GOVERNMENT POLICIES AND SCHEMES FOR WOMEN EMPOWERMENT

Whatever 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 endeavour. In the year 2001, the Government of India launched a **National Policy for Empowerment of Women**. The specific objectives of the policy are as follows: Creation of an environment through positive economic and social policies for full development of women to enable them to realize their full potential.

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.
- Changing societal attitudes and community practices by active participation and involvement of both men and women.
- Mainstreaming a gender perspective in the development process.
- Elimination of discrimination and all forms of violence against women and the girl child.
- Building and strengthening partnerships with civil society, particularly women's organizations.

The Ministry of Women and Child Development is the nodal agency for all matters pertaining to welfare, development and empowerment of women. It has evolved schemes and programmes for their benefit. These schemes are spread across a very wide spectrum such as women's need for shelter, security, safety, legal aid, justice, information, maternal health, food, nutrition etc., as well as their need for economic sustenance through skill development, education and access to credit and marketing. Various schemes of the Ministry are like Swashakti, Swayamsidha, STEP and Swawlamban enable economic empowerment. Working Women Hostels and Creches provide support services. Swadhar and Short Stay Homes provide protection and rehabilitation to women in difficult circumstances. The Ministry also supports autonomous bodies like National Commission, Central Social Welfare Board and Rashtriya Mahila Kosh which work for the welfare and development of women. Economic sustenance of women through skill development, education and access to credit and marketing is also one of the areas where the Ministry has special focus.

### Role of Judiciary

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 favour 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. Judiciary has played an active role in enforcing and strengthening the constitutional goals towards protection/rights of the women of the land. The courts in India have tried to interpret laws in consonance with the international treaties and conventions.

Some of the major cases are enumerated below:

**1. Air India Vs Nargesh Meerza, [(1981) 4 SCC 335]**

This case deals with the women's right to equality. In this case the Supreme Court struck down the clause of retirement of air hostess on attaining 35 years of age or on marriage within first 4 year of service or on first pregnancy as being arbitrary and unreasonable and clearly violative of article 14 of Indian Constitution.

**2. Vishaka Sawhney Vs State of Rajasthan, AIR 1997 SC 3011, (1998)**

This is the very famous case and the alarm raiser for the need of such act which can prevent the women from sexual harassment at the work place. In this landmark judgment the supreme case held that sexual harassment at work place is a violation of article 15 and 21 of the constitution and he laid down the exhaustive guidelines to prevent sexual harassment of working women in places of their work until a law is passed for this purpose. Recently in 2013 The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013 was passed by the parliament of India.

**3. Sarla Mudgal Vs Union of India 1995, AIR 1531, 1995 SCC (3) 635**

This case brought to lime light, the gross exploitation of personal laws of women. In this instance, a Hindu male, married under the Hindu law, desirous of taking on a second wife, converted to Islam. After the second marriage he reverted to Hinduism. Second wife pleaded that she had no protection under either of the personal law. In view of this case the Supreme Court directed the union government to implement uniform civil code.

**4. Mohammad Ahmed Khan Vs Shah Bano Begum, 1985 AIR 945, 1985 SCR (3) 844**

Popularly known as the Shah Bano case, a penurious Muslim woman claimed for maintenance from her husband under section 125 of the code of the criminal procedure after she was given triple talaq from him. The Supreme Court held that the Muslim women have a right to get maintenance from her husband under section 125. After the decision, nationwide discussions, meetings and agitations were held. Then Rajiv Gandhi led government overturned the Shah Bano case decision by way of Muslim women (Right to protection on divorce) act, 1986, which curtailed the right of a Muslim women for maintenance under section 125 of the code of criminal procedure.

**5. Tuka Ram And Anr vs State Of Maharashtra, 1979 AIR 185, 1979 SCR (1) 810**

Popularly known as the Mathura rape case was an incident of custodial rape. Mathura, a young tribal girl, was allegedly raped by two policemen on the compound of Police Station. But the Supreme Court acquitted the accused, and the decision resulted the big public outcry and protest, which eventually led to amendments in Indian rape law via The Criminal Law (Second Amendment) Act 1983 (No. 46) .

**6. Mackinnon Mackenzie Vs Audrey D'costa, 1987 AIR 1281**

The first major judgment on the Equal Remuneration act had been delivered by the Supreme Court in this case. In this case Audrey a lady stenographer sued her company under equal remuneration act as she was paid less than the male stenographer.

**7. Apparel Export Promotion Council vs. A.K. Chopra**

The accused –respondent tried to molest a women employee (Secretary to chairman of a Delhi based Apparel Export Promotion Council) Miss X. (name withheld), a clerk cum typist on 12 th August, 1988 at Taj Hotel, Delhi. The respondent persuaded Miss 'X' to accompany him while taking dictation from the chairman, so that her typing was not found fault with. While Miss 'X' was waiting in the room, the respondent taking advantage of the isolated place tried to sit too close to her and touch her despite her objections; and tried to molest her physically in the lift while coming to the basement, but she saved herself by pressing emergency button, which made the door lift open. In appeal

Of the case supreme court held that “In a case involving charge of sexual harassment or attempt to sexually molest, the courts are required to examine the broader probabilities of case and not swayed away by insignificant discrepancies or narrow technicalities or dictionary meaning of the expression ‘molestation’ or ‘physical assault’..... The sexual harassment of a female employee at the place of work is incompatible with the dignity and honour of a female and need to be eliminated and that there can be no compromise with such violation”.

#### **8. In Railway Board vs. Chandrima Das**

It was a case of gang-rape of a Bangladeshi national by the employees of the Indian Railway in a room at Yatriniwas at Howrah station. These employees managed the ‘Yatriniwas’ the government contended that it could not be held liable under the law of torts as the offence was not committed during the course of official duty. However, Hon’ble court didn’t accepted this argument and stated that the employees of union of Indian, who are deputed to run the railways and to manage the establishment, including the Railways station and Yatriniwas are essential components of the government machinery which carries on the commercial activity. If any such employee commits an act of tort, the Union Government of which they are the employees can, subject to other legal requirement being satisfied be held vicariously liable in damages to the person wronged by the those employees. The victim was awarded by Supreme Court with a compensation of R.s 10 lakhs for being gang raped in Yatriniwas of railway. Since the right is available to non-citizens also, the reach of the right is very wide.

**9. In Deelip Singh vs. State of Bihar**, Court held that consent given a women believing the man’s promise to marry her would fall within the expression ‘without her consent’ vide clause (ii) to section 375, I.P.C, only if it is established that from the very inception the man never really intended to marry her and the promise was a mere hoax. When prosecutrix had taken a conscious decision to participate in the sexual act only on being impressed by the accused’s promise to marry her and the accused’s promise was not false from its inception with the intention to seduce her to sexual act, clause (ii) to section 375 I.P.C. is not attracted and established. In such a situation the accused would be liable for breach of promise to marry for which he will be liable for damages under civil law. False promise to marry will not ipso facto make a person liable for rape if the prosecutrix is above 16 years of age and impliedly consented to the act.

**10. Madhukar Narayan Mardikar vs. State of Maharashtra**, The High Court observes that since Banubi is an unchaste woman it would be extremely unsafe to allow the fortune and career of a Government official to be put in jeopardy upon the uncorroborated version of such a woman who makes no secret of her illicit intimacy with another person. She was honest enough to admit the dark side of her life. Even a woman of easy virtue is entitled to privacy and no one can invade her privacy as and when he likes. So also it is not open to any and every person to violate her as and when he wishes. She is entitled to protect her person if there is an attempt to violate it against her wish. She is equally entitled to the protection of law. Therefore, merely because she is a woman of easy virtue, her evidence cannot be thrown overboard.

**OBSERVATION:-** Thus, it is observed that not only the legislature but judiciary also plays a very vital and important role in case of women empowerment. Judiciary empowers the women by its both traditional and by its activist role. The traditional role of judiciary is to provide justice through interpretation of laws. Some times through the wide interpretation of provision of various legislation and also the provision of constitution judiciary is able to empower the women. Another role of judiciary is the activist role which is popularly known as “Judicial Activism”. Where there is no specific law for a specific offence in that case judiciary applies its activist power. As our society is dynamic, the need of the society is also dynamic. Because of the rigidity of law or because of the long and time taking procedure of enactments of laws by legislature, it is unable to keep pace with the fast changing society. There is always a gap between the advancement of the society and the legal system prevailing in it. This is sometimes causes hardship and injustice to the people. Now women empowerment is a burning issue of our country. And this concept is in progress. So, there are so many areas of women empowerment where there is no law for the protection of women, in that case judiciary is the last hope. Because only judiciary can give justice by applying its activist power e.g. we have already discussed vishakha case where the question regarding the sexual harassment of women in working places was raised and on this area there is no law at that time judiciary by judicial activism declared some guidelines



for the protection of women from sexual harassment of women in working place. This guideline was provided by Supreme Court in the year of 1997 and the Bill titled as Protection of Women against Sexual Harassment at Workplace was produced before parliament in 2010 but Bill is still pending. That means the need of the society is realized by the parliament after 13 years. In case of compensation jurisprudence also judiciary is related need to compensate the victim but in criminal law there is no such specific law regarding the compensation jurisprudence. So, it is clear that through judicial activism judiciary is also able to provide progress in the area of women empowerment.

## Women Empowerment — Challenges

**Perspective:** The most widespread and dehumanizing discriminations against women are on the basis of the biased perspective. The discrimination against the girl child begins from the birth itself. Boys are preferred over girls; hence, female infanticide is a common practice in India. The ordeal that an Indian girl faces at birth is only the beginning of a lifelong struggle to be seen and heard.

**Patriarchate Bottlenecks** The traditional Indian society is a patriarchal society ruled by the dictats of self-proclaimed caste lords who are the guardians of archaic and unjust traditions. They put the burden of traditions, culture, and honor on the shoulders of women and mark their growth. The incidences of “honor killing” reveal the distorted social fiber in the male-dominated society.

**Economic Backwardness:** Women constitute only 29% of the workforce but forms majority of the destitute in the country. There has been a failure in transforming the available women base into human resource. This, in turn, has hampered not only the economic development of women but also of the country’ as a whole.

**Implementation Gaps** Through all these years, the attention is only on developing and devising new schemes, policies and programmes and have paid less attention to the proper monitoring system and implementation short-sightedness, for e.g. despite the presence of The Pre-Natal Diagnostic Technologies Act and various health programmes like Janani Suraksha Yojana and National Rural Health Mission (NHRM), our country has a skewed sex ratio and a high maternal mortality . rate (MMR).

**Loopholes in the legal structure** Although there are a number of laws to protect women against all sorts of violence yet there has been the significant increase in the episodes of rapes, extortions, acid, attacks etc. This is due to delay in legal procedures and the presence of several loopholes in the functioning of a judicial system.

**Lack of Political Will:** The still- pending Women’s Reservation Bill underscores the lack of political will to empower women politically. The male dominance prevails in the politics of India and women are forced to remain mute spectators.

## Suggestions

**Way ahead** starts with bridging the deep-rooted biases through sustained reconditioning. It is only possible by promoting the idea of gender equality and uprooting social ideology of male child preferability. This concept of equality should be first developed in each and every household and from there, it should be taken to the society. This can be achieved by running sustained awareness programs with the help of Nukkad Natak or dramas, radio, television, Internet, etc. across the country.

**Replacing ‘Patriarchy’ with Parity:** A strong patriarchate society with deep- rooted socio-cultural values continues to affect women’s empowerment. The need of the hour is an egalitarian society, where there is no place for superiority. The Government should identify and eliminate such forces that work to keep alive the tradition of male dominance over its female counterpart by issuing inhumane and unlawful dictats.

Education is the most important and indispensable tool for women empowerment. It makes women aware of their rights and responsibilities. Educational achievements of a woman can have ripple effects for the family and across generations. Most of the girls drop out of schools due to the unavailability of separate toilets for them. The recently

launched 'Swachh Bharat Mission' focusing on improving sanitation facilities in schools and every rural household by 2019, can prove to be very significant in bringing down the rate of girls dropping out of school.

**Political Will:** Women should have access to resources, rights, and entitlements. They should be given decision-making powers and due position in governance. Thus, the Women Reservation Bill should be passed as soon as possible to increase the effective participation of women in the politics of India.

**Bridging implementation gaps:** Government or community-based bodies must be set up to monitor the programs devised for the welfare of the society. Due importance should be given for their proper implementation and their monitoring and evaluation through social audits.

Justice delayed is justice denied. Efforts should be made to restructure the legal process to deliver fair and in-time justice to the victims of heinous crimes like rapes, acid attacks, sexual harassment, trafficking and domestic violence. The idea of fast-track courts, devised to impart speedy justice to the victims of rapes and other crimes against women, is a good initiative taken by the judiciary and the Government of India.

- Building public awareness and support is crucial for the judicial activism to be successful.
- The National Commission for Women and the National Human Rights Commission could be important allies in addressing violations of women's rights.
- Judiciary should be more vigilant in protecting the rights of women
- Judiciary should take stringent decision in punishing the offenders
- Make more positive judgement in favour of women victims.

## Conclusion:

Empowering women socially, economically, educationally politically and legally is going to be a Herculean task. It is not going to be easy to change the culture of disregard for women which are so deep-rooted in Indian society. But it does not mean that it is implausible. Only revolutions bring changes in a day, but reforms take their time. This one, in particular, will take its time as well. The idea of women empowerment might sound hard by the yard, but by the inch, it is just a cinch. All we need is a concentrated effort focused in the right direction that would rest only with the liberation of women from all forms of evil.

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