

# EMPOWERMENT OF WOMEN IN INDIA

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## ABSTRACT:

In India there are numerous laws aimed at empowerment of women in the areas of personal, labour, service and criminal and social economic matters. The Fundamental Law of the land namely Constitution of India guarantees equality for women. Male and Female, the two basic components of our human society, depend upon each other and each one of them constitutes about half of the population. In every era in the history of social development, the question of women and the question of gender justice remained on board. Women had a very significant position in our ancient Indian society. Over years sociologists and other scholars have tried to assess the problems faced by women and to study changes in their status around the globe in general and in Indian society in particular. The status of Women in early Rig Vedic society was very high. Women, by no means is inferior to man in any respect and can perform all functions equally.

**KEYWORDS:** Empowerment, Judiciary, Justice, Women.

## INTRODUCTION

Women might be lacking brute force of the savage kind but is better endowed with gifts of civilization. In the Vedic period, women participated in every sphere of human life and enjoyed a fair amount of freedom and equality with men. There are literary evidences to suggest that woman had power which could destroy kingdoms and mighty rulers, they were superior to men. The worship of Goddesses in ancient period was to inspire public to respect women. In the Vedic society women participated in religious ceremonies and assemblies. There is no evidence of isolation of women in Vedic period in domestic or social affairs, but they were affectionately dependent on their male relations throughout their lives. The Aryans evidently preferred male child to female child. However, females were as free as their male counterparts. Education was equally open for boys and girls. Girls studied the Veda and fine arts. Women never observed purdah in the Vedic period. They enjoyed freedom in selecting their mates. The woman was regarded as having an equally important share in the social and religious life because a man without woman was considered as an inadequate person. According to ancient Hindu texts and tradition, until about 500 BC women in India enjoyed considerable freedom. In the post-Vedic period between 1500 BC to 500 AD various restrictions were put on women's rights and privilege by Manu and the status of women suffered a setback and their role got restricted

to the four walls of their home. During the time of epics of Ramayana and Mahabharata, the male law givers bound the freedom of women both in deed and speech. Society becomes polygamous and polyandry was abolished. There was reduction in the marriageable age of girls. Muslims invasions of India brought complete subordination of women. The Mughal period and the subsequent advent of the British period were marked with general practice of killing baby girls, condemnation of widow and system of Devdasis. Socio-cultural life the behavior and living pattern changed drastically during the British regime, due to education and western impact. With the dawn of independence of India the picture turned brighter. Our Constitution makers and law framers showed concern for the basic rights of women. The Constitution of India has laid down as a fundamental right of the equality of sexes i.e. has given women equal rights, privileges and freedom that are enjoyed by the men for years. To uplift the status of women, many legislations pertaining to women were enacted after independence, related to marriage, divorce, inheritance of property and employment. Even after a number of instances on exploitation against women, they are now feeling much emancipated and free. They enjoy all social, political and economic rights. The Constitution of India guarantees certain fundamental rights and freedom such as protection of life and personal liberty. Indian women are the beneficiaries of these rights in the same manner as the Indian men. Article 14 ensures equality before law and Article 15(1) forbids discrimination on the grounds of sex. Article 16(a) forbids discrimination in any respect of employment of office under the state on the grounds only of religion caste, sex, descent, and place of birth, residence or any of them. Indian Penal Code deals very strictly with the offences against women such as rapes. Sections 498A (husband or relative of husband of a woman subjecting her to cruelty) and 304B (dowry death) of the Indian Penal Code. It was held in 'Kaliyaperumal vs. State of Tamil Nadu'<sup>1</sup>, that cruelty is a common essential in offences under both the sections 304B and 498A of IPC. With the rise in modernization, education, financial security and the new found independence the radical feminist has made 498A a weapon in her hands. Section 375 to 376D of the Indian Penal Code deals with the offence of rape. Section 494 deals with offence of bigamy and lays down that whoever having a living spouse marries again shall be punished with imprisonment of seven years and with fine. Dowry Prohibition Act, 1961; Sati Prevention Act, 1987; Maternity Benefit Act, 1961 and Equal Remuneration Act, 1916 are such Acts which empower women against apathy to them and provide them with equal rights as men. The Medical Termination of Pregnancy Act, 1971 prohibits advertisements relating to sex determination of unborn foetus and punishes its contravention in any and every form.

The National Commission for Women was set up on 31st January, 1992 in pursuance of the National Commission for Women Act, 1990. The functions assigned to the Commission are wide and varied covering almost all facets of issues relating to safeguarding women's rights and promotion. The Commission continues

<sup>1</sup>2004 (9) SCC 157; 2004 SCC(Cr) 1417; 2003 AIR(SC) 3828

to pursue its mandated activities, namely, review of legislation, intervention in specific individual complaints of atrocities and denial of rights. Remedial action to safeguard the interest of women is suggested to the appropriate authorities. The Commission has accorded the highest priority to securing speedy justice to women. Towards this end, the Commission is organizing Parivarik Mahila Lok Adalats, offering counseling in family disputes and conducting training programmes for creating legal awareness among women.

The Department of Women and Child Development since its inception has been implementing special programmes for holistic development and empowerment of women with major focus to improve the socio-economic status of women. Government of India has passed another Juvenile Justice (Care and Protection of Children) Bill, 2015 replacing the earlier Indian juvenile delinquency law of 2000. According to this act, the juvenile age has been 16 years from 18 years in cases of heinous offenses.

Our Apex Court dealt with issues of women by keeping the principles of gender justice as a paramount consideration, be that may be of violence against her or with regard to her status in society, the question of marriage, adultery, or her service in public employment.

It is the law in action and not just the law in papers which is important<sup>2</sup>. In the landmark case of *Randhir Singh v. Union of India*<sup>3</sup>, the apex Court opined that the principle of equal work is not a fundamental right but it is certainly a constitutional goal. Article 39(d) of the Constitution states "that there is equal pay for equal work for both men and women." Similarly, in *Grihakalyan v. Union of India*<sup>4</sup> it was held that the denial of equal pay for equal work becomes irrational classification within the meaning of article 14 of the constitution. In *Air India v. Nargesh Meerza*<sup>5</sup>, the Court held that the termination of service on pregnancy was unreasonable and arbitrary, therefore violative of article 14. In *Vishakha v. State of Rajasthan*<sup>6</sup>, judiciary has laid down certain guidelines to protect women against sexual harassment at work place. In *Delhi Domestic Working Women's Forum v. Union of India*<sup>7</sup>, the Supreme Court suggested the formulation of a segment for awarding compensation to rape victims at the time of convicting the person found guilty of rape.

## CONCLUSION

Justice is a combination of various factors: enactment of laws responsive to the changing needs of time, their effective enforcement, progressive and proactive interpretation and application so as to fill up any void that is

<sup>2</sup>R. Revathi, *Laws Relating to Domestic Violence*, Asia Law House, Hyderabad, 2004

<sup>3</sup> AIR 1982 SC 879.

<sup>4</sup> (1991) 1 SCC 619

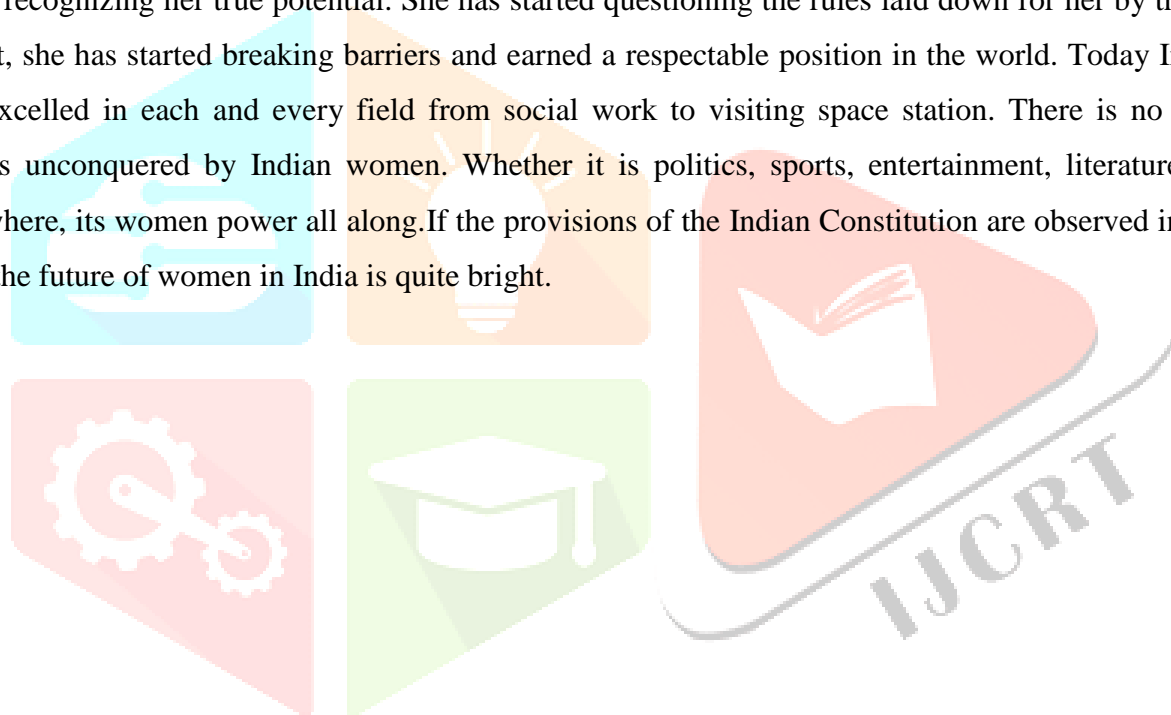
<sup>5</sup> AIR 1981 SC 1829

<sup>6</sup> AIR 1997 SC 3011.

<sup>7</sup> (1995) 1 SCC 14

left and not taken care of by statutory enactments. It is the law in action and not just the law which is important<sup>8</sup>.

The Indian woman has to make her way through all the socialised prejudices against her, and the men yet have to allow and accept the women to be equal participants in the country's way forward. Everyone should have equal rights and responsibilities, irrespective of gender. In the current social context. Today, the modern woman is so deft and self-sufficient that she can be easily called a superwoman, juggling many fronts single-handedly. Women are now fiercely ambitious and are proving their metal not only on the home front, but also in their respective professions. Women in Indian are coming up in all spheres of life. As compared to the past, women in modern times have achieved a lot but in reality they have to still travel a long way. Women in India slowly started recognizing her true potential. She has started questioning the rules laid down for her by the society. As a result, she has started breaking barriers and earned a respectable position in the world. Today Indian women have excelled in each and every field from social work to visiting space station. There is no arena, which remains unconquered by Indian women. Whether it is politics, sports, entertainment, literature, technology everywhere, its women power all along. If the provisions of the Indian Constitution are observed in letter and in spirit, the future of women in India is quite bright.



<sup>8</sup> Justice R.C. Lahoti, "Women's Empowerment—Role of Judiciary And Legislature," (2005) 2 SCC (Jour) 49.