



THE LEGAL DIMENSIONS OF WOMEN'S EMPOWERMENT IN INDIA: A SOCIO-LEGAL INQUIRY

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ABSTRACT

Women constitute half of the population, and it is often believed that exceptional introductions are attributed to them. It is an undeniable reality that women have been mistreated in every civilization for an extended period, and India is no different. The evolution from tribal to agricultural to industrial civilizations and ultimately to modern nations has mostly been influenced by physiological inequalities between the sexes, with strength predominantly residing in males, hence establishing entrenched gender hierarchies. We have shown expertise in documenting prejudice, subordination, and repression. Throughout their lives, women are subjected to many adversities, including discrimination, oppression, and violence, within familial settings, workplaces, and society at large.

To enhance the status of women in India, the legislature has enacted a substantial number of laws, many of which were established during the colonial period, including the Abolition of Sati Act of 1829, the Widow Remarriage Act of 1856, the Child Marriage Restraint Act of 1929, and the Dowry Prohibition Act of 1961, among others. In addition to these legal guidelines, there are specific enactments related to employment that include provisions for women, such as: The Workmen Compensation Act, 1923; Payment of Wages Act, 1936; Factories Act, 1948; Maternity Benefit Act, 1961; Minimum Wages Act, 1948; Employees State Insurance Act, 1948; and Pensions Act, 1987. The laws that have contributed to the empowerment of girls in India will be briefly discussed in this article.

Keywords: *Women, discrimination, Empowerment, Subjugation, Law, India*

INTRODUCTION

In the 21st century, the arena is advancing rapidly, with women actively contributing to the enhancement of society and the economy within it. Empowering women is essential to enhance their involvement in decision-making, which is crucial for socio-economic development. India is a developing nation, and its economic reputation is very poor owing to its patriarchal governance. Women constitute around 50% of the state's population, with a majority remaining economically established but unemployed. Empowering women is crucial for achieving a prosperous future for families, communities, and nations. The empowerment of girls entails

fostering self-reliance, economic independence, robust self-esteem, resilience in challenging situations, and active engagement in many socio-political development initiatives.

Women empowerment is significantly enhanced by women's education. Education is a crucial factor for the empowerment, prosperity, development, and welfare of women. Education is recognized as a crucial catalyst for social change and growth within every culture or nation. Education is essential for equipping women with the knowledge, skills, and self-esteem necessary to actively engage in the development process. Education is crucial for everyone, but it is particularly vital for the survival and empowerment of women. The education of females is crucial in eliminating several societal issues, including dowry-related problems and unemployment challenges. Social harmony may also be readily attained. If females lack education, subsequent generations will also be illiterate. To this end, the Greek warrior Napoleon said, "Provide me with a few educated mothers, and I shall produce a valiant lineage." In recent years, the Indian government enacted several constitutional and jail rights to eliminate malpractice and gender discrimination against women.

A compilation of legislative protections for women in India exists to safeguard them from various forms of crimes against women. Women's rights constitute human rights. They include every aspect of life—health, education, political engagement, economic well-being, and freedom from violence, among others. Women are entitled to equal leisure free from all forms of discrimination, which is necessary for the attainment of human rights, peace, security, and sustainable development. Numerous NGOs perform a crucial role in women's emancipation. The Government offers several plans and programs for women's empowerment. Women's empowerment in India plays a crucial part in the overall development of the nation. Thus, in pursuit of a fully developed society, women's empowerment is an essential instrument for the nation. In the twenty-first century.

LITERATURE REVIEW

Sreeramulu, M., & Chamundeswaramma, S. (2014) The Preamble of the Constitution of India states that the objectives of the Indian republic include justice, as well as social, economic, and political equality. The Constitution used the term 'sex' in Articles 15(1), 16(2), and 325, which ban discrimination based on this criterion. The empowerment of women is to eradicate their subordination and promote equality. Empowerment is a beneficial notion. It necessitates proactive governmental intervention to assist individuals who are to be empowered. The constitution clearly anticipates governmental involvement for the benefit of the underprivileged segment of society.

The law may facilitate empowerment by directly bestowing rights onto the intended beneficiaries or by placing obligations on others towards those beneficiaries. To empower women in India, certain existing laws have been updated and adjusted to meet contemporary needs. Following India's independence, several laws have been established imposing legal sanctions on behaviors that violate, undermine, or diminish the dignity of women. In addition to the laws established by the Central and State Governments, the Supreme Court and several State High Courts have safeguarded women's rights via legal rulings that prioritize them above males.

Singh, K. (2022), Maharishi Manu said plainly, "Wherever women are honored, there the deities are pleased." In places where women are esteemed, divine grace resides. Women epitomize sacrifice, compassion, forbearance, gentleness, and tolerance. She is the benevolent 'mother' from whom benefits perpetually emanate for her offspring. The primary focus of this work is to promote equitable opportunity. Currently, women's empowerment has emerged as a key issue of the 21st century. In India, women's empowerment is a prevalent term nowadays. The Indian Constitution guarantees the absence of discrimination based on sex. The women's admission could only be plausible after protracted legal battles, and even then, their presence in the courts remained insignificant until the conclusion of the 20th century. In this context, women's empowerment is a process by which women confront

prevailing norms and society to effectively enhance their well-being empowerment as a technique is often linked to feminism. The empowerment of women has been a pressing problem globally, especially in India, during the last several decades. It is said that women can no longer be expected to wait for equality. Empowerment does not include granting individuals' power; they already possess substantial power via their knowledge and willingness to do their tasks exceptionally. Empowerment is achieved by the enhancement of circumstances, norms, events, and a global outlook on life.

Murali, M. (2015) The position of women in India has seen significant transformations during the last several millennia. During the early Vedic era, women had an equal standing as males. The Rigveda and Upanishads reference several female sages and seers, including Gargi and Maitrey. However, the position of women started to decline from 500 B.C., with the condition exacerbated by the invasions of the Mughals and subsequently by European invaders. Feminist movement gained traction in India throughout the late 1970s. Subsequently, several organizations and NGOs have been engaged in the empowerment of women. We take pride in the fact that women in India attained the right to vote much earlier than in the USA and some European nations.

Borah, U. (2021). India is a growing nation; yet, without the recognition and respect for women, its development would be hindered. Gender inequality results in the marginalization of women. Violence against women in India denotes physical or sexual violence perpetrated against Indian women, usually by a male assailant. All forms of violence are unlawful, and tolerating violence is also prohibited. It pertains to economic growth, education, human rights, and health. The effect encompasses immediate to long-term physical, sexual, and psychological implications for women and girls, including mortality. Violence Against Women Persists. The Ancient Period of the Mahabharata: The Violence Against Draupadi.

Indian society has always esteemed women. Numerous female deities, including Goddess Saraswati, Laxmi, Durga, and Kali, are venerated across India. The patriarchal structure has persisted since the Rig Veda. Women endure this and choose to keep quiet due to fear of societal discrimination, which prevents them from speaking out or standing up against the crimes they experience. She experiences fear due to societal conventions. In such circumstances, our patriarchal culture tends to blame women, failing to comprehend the challenges they endure.

RESEARCH METHODOLOGY

This study is fundamentally descriptive and analytical. This study attempts to evaluate women's empowerment in India. The data used are only derived from secondary sources aligned with the study's requirements.

NEED AND SIGNIFICANCE OF THE STUDY

Empowering women have the potential to transform several aspects of society and the nation. To advance our country, it is essential to facilitate women's empowerment via the collective efforts of men, government, legislation, and women themselves. The need for female empowerment emerged due to gender discrimination and male dominance within Indian culture. To achieve a prosperous future for one's family, community, and nation. The empowerment of women is essential. Limited research has been conducted on female empowerment in India. No study has been conducted on girls' empowerment in the twenty-first century. The empowerment of women has become one of the most significant concerns of the twenty-first century. Consequently, the researcher intends to conduct "A Study on Women Empowerment in the 21st Century."

OBJECTIVES OF THE STUDY

The following objectives are distinctive.

- ❖ To understand the modalities of women's empowerment.

- ❖ To examine women's rights and legal protections afforded to women under the Indian Constitution.
- ❖ To understand the function of NGOs in the empowerment of women.
- ❖ To acknowledge the governmental initiatives and programs aimed at women's empowerment.
- ❖ To examine the role of education in facilitating women's empowerment.
- ❖ To analyze the transformation of Indian society via women's empowerment in the 21st century.

WOMEN EMPOWERMENT

Women Empowerment denotes the ability of women to make decisions about their lives and work, while ensuring equal rights across all spheres, including personal, social, economic, political, and legal domains. We are living in an era of women's empowerment when women are collaborating equally with men. A lady effectively balances her career commitments with her home and familial responsibilities. They are fulfilling several responsibilities as a mother, daughter, sister, and wife, while simultaneously managing sites as experts with remarkable simplicity and complexity.

MODELS OF WOMEN EMPOWERMENT

Women empowerment is seen as a process that evolves over time, enabling women to make decisions, manage resources, and undertake strategic life choices. She highlighted the importance of strategic life choices (livelihood selection, marital decisions, and childbearing choices) as primary selections and their influence on secondary choices (instilling values in children, daily family decision-making, and managing family well-being), which may be less consequential.

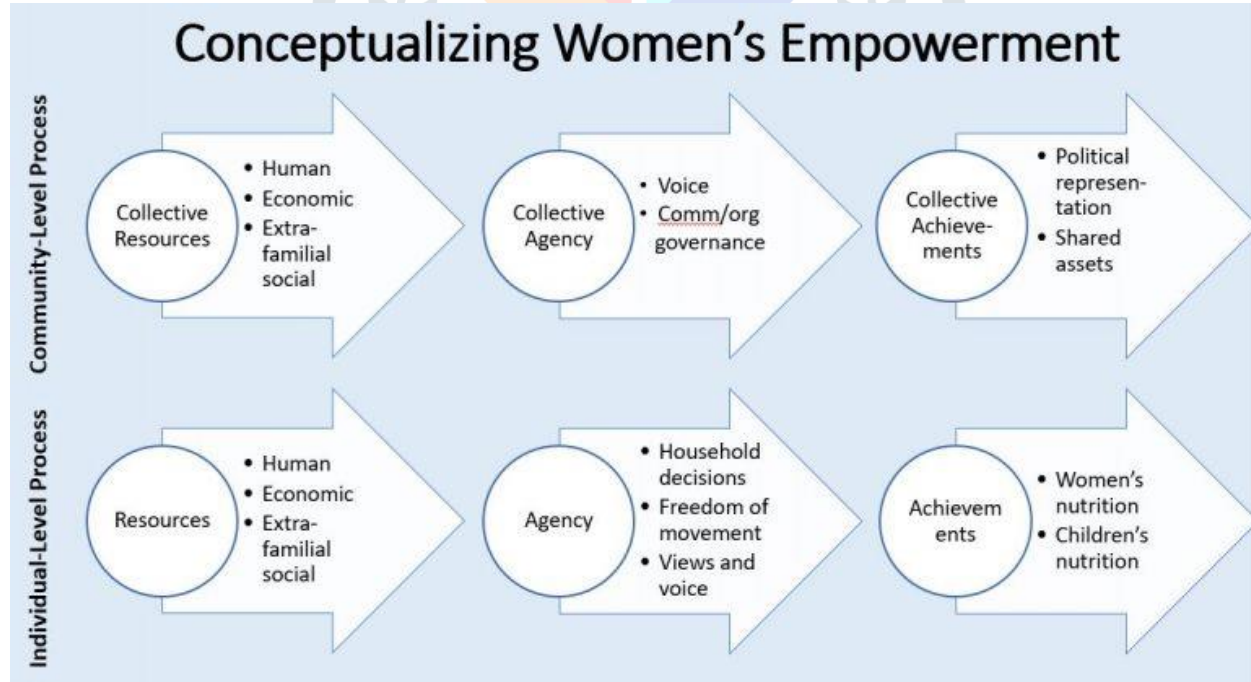


Fig 1. Conceptual framework for Women's empowerment

Source: <https://a4nh.cgiar.org/2017/05/01/a-framework-for-measuring-Women-empowerment-at-multiple-levels>

Women's empowerment is grounded on a paradigm established by Naila Kabeer (1999). This concept illustrates empowerment as an active process, during which girls acquire resources that enable them to cultivate voice – the capacity to express alternatives – and agency – the ability to make choices – to achieve their own objectives. These

assets include human resources such as educational achievements, talent cultivation, and self-efficacy; social resources including group participation, access to professional networks, and exposure to role models beyond the family; and economic resources or material assets comprising income, property, and land. Resources facilitate but do not always guarantee empowerment owing to the broader structural and normative context in which girls develop.

From a theoretical perspective, a woman's potential to achieve empowerment at the individual level is contingent upon her environment. If she lives in a wholly disempowered network, it will be difficult for her to acquire the resources necessary to amplify her voice and agency. It is essential for communities to grow concerning opportunities for girls, gender norms, and the collective voice and agency of women. However, academics have not yet effectively conceptualized and measured empowerment at the community level, nor have they evaluated the impacts of multilevel empowerment programs.

EMPOWERMENT THROUGH VARIOUS LAWS

The Indian Penal Code (IPC) is the primary legislation that delineates certain actions as crimes and prescribes corresponding punishments. The provisions of the IPC pertaining to violence against women are encapsulated in the table below. Alongside the Indian Penal Code, criminal statutes have also been established on certain issues. These comprise:

❖ THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

In 1956, the Suppression of Immoral Traffic in Women and Girls Act, known as SITA, was enacted. The primary objective of this Act is to penalize brothel operators, procurers, and pimps, as well as to deter prostitution in or near public areas. The Act was revised in 1978 and most recently in 1986, now dubbed “the Immoral Traffic (Prevention) Act.” The primary objective of the Act is to prohibit or eliminate commercialized vice, including the solicitation of women for the purpose of prostitution as a means of livelihood.

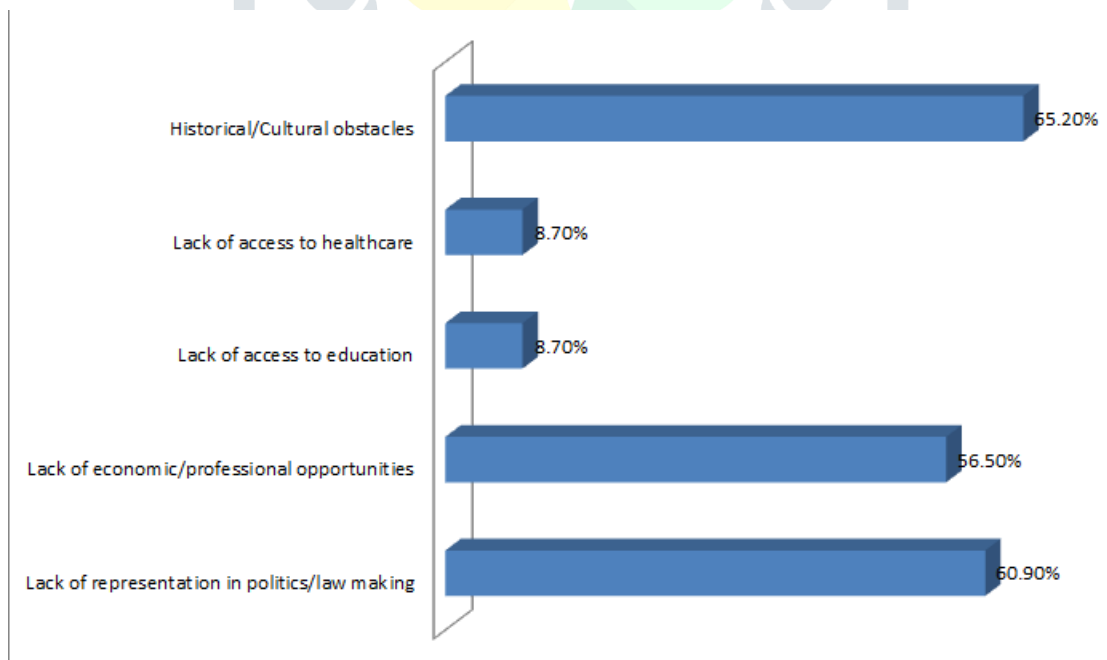


Fig 2. Obstacles in way of Women's empowerment

Source: <https://theglobalforum.wordpress.com/2012/09/06/Women-in-the-21st-century-of-biology-historical-baggage-and-a-glass-ceiling/>

❖ **THE DOWRY PROHIBITION ACT, 1961**

In 1961, the Government of India enacted the Dowry Prohibition Act, making dowry demands in wedding preparations unlawful. Numerous cases of dowry-related domestic violence, suicides, and homicides were reported. In the 1980s, several similar instances were proposed. In 1985, the Dowry Prohibition laws for the maintenance of lists of gifts for the bride and groom were established. These standards stipulate that a documented inventory of gifts presented to the bride and groom at the time of marriage must be preserved. The list must include a brief description of each gift, its estimated cost, the name of the giver, and their relationship to the recipient.

THE INDECENT REPRESENTATION OF WOMEN ACT, 1986

To avert the indecent portrayal of women in various documents, Parliament enacted the Indecent Representation of Women Act, 1986. The purpose of the Act was to restrict obscene depictions of women in commercials, publications, writings, artwork, figures, or any other form.

❖ **COMMISSION OF SATI PREVENTION ACT, 1987**

The Act was established to enhance the prevention of Sati and its glorification, along with related or incidental matters.

❖ **THE PRE-THOUGHT AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 1994**

The Act regulates the use of pre-natal diagnostic tools and aims to prevent their abuse for the purpose of prenatal sex selection, which may lead to female foeticide.

❖ **THE SAFETY OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005**

The Act aims to enhance the robust protection of the rights of girls guaranteed by the Constitution who are victims of any kind of violence occurring inside the family, together with related matters. The Supreme Court has issued many significant rulings on women's rights in the context of criminal law. In Vishal Jeet vs. Union of India [(1990) 3 SCC 318], the court mandated instructions for all state governments and union territories to outlaw and eliminate child prostitution, devadasi, and jogin trade practices, as well as to rehabilitate the victims.

In the case of Delhi Domestic Working Women's Forum vs. Union of India, which included the sexual assault of four domestic workers by seven military personnel on a moving train, the Supreme Court established many recommendations to enhance the victim's access to legal avenues for justice. In Upendra Baxi vs. State of Uttar Pradesh [(1983) 2 SCC 308], the Supreme Court mandated the government to protect the health of female inmates without infringing upon their right to dignity. In Sheela Barse vs. State of Maharashtra, the Supreme Court determined that female suspects should be housed in a separate lockup within the police station, distinct from male suspects. In Rekha Kholkar vs. State of Goa, the Bombay High Court granted compensation to a woman who was accused of theft and subjected to physical abuse and torture by both male and female police officers, and mandated the questioning of female suspects. In the case of Vishakha vs State of Rajasthan (AIR 1997 SC 3011), the Supreme Court established specific recommendations to protect women from sexual harassment in the workplace and deemed it essential for employers in various institutions to adhere to these guidelines.

CONSTITUTIONAL RIGHTS TO WOMEN

The rights and safeguards enshrined in the constitution for Women in India are listed below:

1. Article 15(1) The state shall not discriminate against any citizen of Indian on the ground of sex.
2. Article 15(3) The state is empowered to make any special provision for Women. In other words, this provision enables the state to make affirmative discrimination in favor of Women.
3. Article 16(2) No citizen shall be discrimination against or be ineligible for any employment or office under the state on the ground of sex.
4. Article 23(1) Traffic in human beings and forced labour are prohibited.
5. Article 39(a) The state to secure for men and Women equally the right to an adequate means of livelihood.
6. Article 39(d) The state to secure equal pay for equal work for both Indian men and Women.
7. Article 39(e) The state is required to ensure that the health and strength of Women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength.
8. Article 42 The state shall make provision for securing just and humane conditions of work and maternity relief.
9. Article 51-A(e) It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of Women.
10. Article 243-D (3) One third of the total number of seats to be filled by direct election in every panchayat shall be reserved for Women.
11. Article 243-D (4) One third of the total number of offices of chairpersons in the panchayats at each level shall be reserved for Women.
12. Article 243-T (3) One third of the total number of seats to be filled by direct election in every municipality shall be reserved for Women.
13. Article 243-T (4) The offices of chairperson in the municipalities shall be reserved for Women in such manner as the state Legislature may provide.

LEGAL RIGHTS TO WOMEN

To following various legislations, contain several rights and safeguards for Women.

1. Protection of Women from Domestic Violence Act 2005.
2. Immoral Traffic (prevention) Act 1956.
3. Indecent Representation of Women (prohibition) Act 1986.
4. Commission of Sati (prevention) Act 1987.
5. Dowry Prohibition Act 1961.
6. Maternity Benefit Act 1961.
7. Medical Termination of Pregnancy Act 1971.
8. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994.
9. Equal Remuneration Act 1976.

10. Dissolution of Muslim Marriage Act 1939.
11. Muslim Women (Protection of Rights on Divorce) Act 1986.
12. Family Courts Act 1984.
13. Indian Penal Code 1860.
14. Code of Criminal Procedure 1873.
15. Indian Christian Marriage Act 1872.
16. Legal Services Authorities Act 1987.
17. Hindu Marriage Act 1955.
18. Hindu Succession Act 1956.
19. Minimum wages Act 1948.
20. Mines Act 1952 and Factories Act 1948.

The following other legislations also contain certain rights and safeguards for Women.

1. Employees' State Insurance Act 1948.
2. Plantation Labour Act 1951.
3. Bonded Labour System (Abolition) Act 1976.
4. Legal Practitioners (Women) Act 1923.
5. Indian succession Act 1925.
6. Indian Divorce Act 1869.
7. Parsi Marriage and Divorce Act 1936.
8. Special Marriage Act 1954. 9. Foreign Marriage Act 1969.
10. Indian Evidence Act 1872.
11. Hindu Adoptions and Maintenance Act 1956.
12. National Commission for Women Act 1990.
13. Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act the 2013.

PRESENT SCENARIO ON WOMEN EMPOWERMENT

Numerous social, economic, and political measures concerning females have been included into the charter by our founding fathers. Women are present in several fields such as politics, education, sports, journalism, the arts, lifestyle, and technology. Despite their entrenched presence in all fields, they are nonetheless subjected to humiliation, abuse, exploitation, and victimization. They are, nevertheless, vulnerable to social, political, economic, and educational prejudice. Recommendations for future improvement: "Women embody Shakti, the

goddess of strength.” If she receives an education, India's vitality will be doubled. May the illumination of educating daughters be kindled in every heart - Sri Narendra Modi.

Women empowerment fosters self-confidence to confront inequality perpetuated by the mostly male culture. Women empowerment involves fostering awareness and building potential. The emphasis must be given to the education of women. Awareness programs should be developed to provide adequate safety and guidance for artworks. Rigorous enforcement of programs is necessary to mitigate malpractices. Fostering leadership qualities in women is essential for achieving women's empowerment.

- In 11 out of 22 states, land or homeownership among Women has reduced.
- The share of Women marrying below the age of 18 continues to be close to 30 percent—similar to 2015 levels.
- Trends around spousal violence are also stagnating, with almost one in three Women having had experienced some sort of physical or sexual violence from their husbands. The survey was conducted before the lockdown, and the fact that domestic violence has surged during the pandemic—an approximately 60 percent increase between November 2019 and 2020—is likely to have worsened these trends.

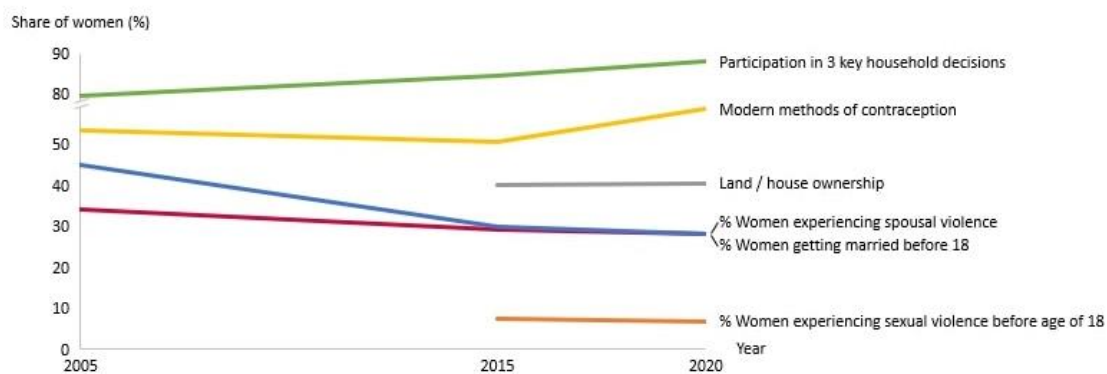


Fig 3. Trends observed across social empowerment indicators

Source: 5th National Family and Health Survey (NFHS)

- Despite an increase in modern family planning methods, the burden of family planning continues to fall largely on Women, with female sterilization accounting for more than 60 percent of total contraception usage.

CONCLUSIONS

Consequently, it is evident that in 21st-century cultures, there is a consistent emphasis on girls' empowerment to enhance the sector, with women serving as active agents of development, participating in and directing their own progress. Women's training is crucial for empowerment in the 21st century. Education is an essential instrument that enables women to engage in decisions that impact their lives and enhance their social standing. Women's empowerment enables them to make unbiased decisions. Through which social, political, and economic advancements of a nation are achievable. Thus, to enlarge the nation. Women must be empowered according to all rules. The women should be given additional opportunities and advantages.

Ms. Leela Seth said, “We all know that women constitute half of the world and support half of the sky; however, where do they stand in terms of equality?” The notion of gender equality has historical origins that extend far back in time. To address the discourse on gender equality, the concept of women's empowerment emerges. The current

status of women is influenced by historical context, British colonial control, and the sociocultural practices of India. The judiciary sometimes plays a key role when circumstances arise. Upon examining the 21st century, it is evident that women are excelling in every field. Empowering women entails guiding them towards independence in all aspects, including intellect, ideas, rights, and choices, by transcending societal and familial constraints. It also promoted equality in society for both males and females across all domains. Empowering women is essential for shaping the prosperous future of families, society, and the United States of America. The journey towards achieving gender equality in society is extensive. Enacting laws and legal standards are insufficient; there is a need to achieve social, economic, educational, and reputational advancement for women.

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