

Constitutional and legal provisions for women empowerment in India

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Abstract

A woman is entitled to live in dignity and in freedom from want and from fear. Empowering women is also an indispensable tool for advancing development and reducing poverty. Empowered women contribute to the health and productivity of whole families and communities and to improved prospects for the next generation. Women empowerment refers to making women powerful to make them capable of deciding for themselves. Women have suffered a lot through the years at the hands of men. In earlier centuries, they were treated as almost nonexistent. As if all the rights belonged to men even something as basic as voting. As the times evolved, women realized their power. There on began the revolution for women empowerment.

The value of a civilization can be judged by the place given to a woman in the society. The stature into which women are born within the property system have great influence on the ways their lives unfold. The old orthodox Indian society places women in a very high respects, the Vedas lionized women as the creator and worshipped her as a "Devi" or Goddess. The women occupied a vibrant role and as such her subjugation and mistreatment were looked upon as demeaning to not only the woman but towards the whole society. But the condition of women in modern Indian society have become a matter of grave concern. They are harassed, tortured and maltreated. The lure of making easy money has led to monstrous demands for dowry. If Brides do not bring satisfactory dowry they are harassed and burnt down. Many even commit suicide to save their parents from mortification. Some choose to remain single and even become call-girls and prostitutes. These days it is possible to determine the sex of an unborn child. This in turn has led to carry out the practice of female feticide. Eve-teasing has become so common, Abduction and rape are daily happenings. Even minor girls are not freed. Working women are demoralized everywhere. Women are unlawfully battered in police lock-ups and even so-called protective homes are not safe for them. Regardless of escalating levels of education, gender cognizance and rigorous pro-women laws, change has been dawdling and crime against women is growing. To see all the aspects, the aim of this paper is to study about the constitutional and legal provisions for protection of women in India.

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at womens advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993¹. In India, the Constitution makers while drafting the Constitution were sensitive to the problems faced by women and made specific provisions relating to them. The Indian Constitution guarantees that there shall be no discrimination on the grounds of gender. There are various legal provisions for women safety and empowerment in Indian Constitution but the irony is, half of the population is unaware of their legal rights. In this paper we will discuss the important constitutional and legal provisions for women empowerment in India.

Keywords: women empowerment, legal provisions, Indian constitution, women rights, Indian penal code

Introduction

"You can tell the condition of a nation by looking at the status of its women."^[2]

This is a famous quote by Pt. Jawaharlal Nehru on women. The status of women depicts the social, economic and mental condition in a nation. Women have been regarded as a symbol of spirituality in our scriptures. Yet, they have been treated badly and unequally to men. Social evils such as dowry, sati-system, child marriage, and female infanticide were widely prevalent in the early ages. The spread of education and self-consciousness among women has led to their progress over the period. Now today women are empowered and gaining advancements and success in each and every field.

India is a country known for its rich beautiful culture and

tradition. Women are given the place of goddess Lakshmi in the Indian culture. But by seeing the last few year crimes against women, there seems the safety and security of women are at stake. As we can literally observe that crimes against women occur every minute in India. There has been a decline in the women status from ancient to medieval period which is continued in such an advanced era. Each day a single woman, a girl child, a young girl, a mother and women from all walks of life are being assaulted, molested, and violated. The streets, public transport, public spaces, in particular, have become the territory of the hunters. There are certain common crimes against women are rape, dowry deaths, sexual harassment at home or workplace, kidnapping and abduction, cruelty by husband, relatives, assault on a woman, child and sex, trafficking, attack, child marriages

and many more. Though the Constitution of India has given the equal rights of dignity, equality, and freedom from gender discrimination but in practical filed no one bothers to follow such law until and unless the people's mindset towards a woman does not change.

Women empowerment refers to making women powerful to make them capable of deciding for themselves. Women have suffered a lot through the years at the hands of men. In earlier centuries, they were treated as almost nonexistent. As if all the rights belonged to men even something as basic as voting. As the times evolved, women realized their power. There on began the revolution for women empowerment. As women were not allowed to make decisions for them, women empowerment came in like a breath of fresh air. It made them aware of their rights and how they must make their own place in society rather than depending on a man. It recognized the fact that things cannot simply work in someone's favor because of their gender. However, we still have a long way to go when we talk about the reasons why we need it.

Need for Women Empowerment

Almost every country, no matter how progressive has a history of ill-treating women. In other words, women from all over the world have been rebellious to reach the status they have today. While the western countries are still making progress, third world countries like India still lack behind in Women Empowerment.

In India, women empowerment is needed more than ever. India is amongst the countries which are not safe for women. There are various reasons for this. Firstly, women in India are in danger of honor killings. Their family thinks its right to take their lives if they bring shame to the reputation of their legacy. Moreover, the education and freedom scenario is very regressive here. Women are not allowed to pursue higher education; they are married off early. The men are still dominating women in some regions like it's the woman's duty to work for him endlessly. They do not let them go out or have freedom of any kind. In addition, domestic violence is a major problem in India. The men beat up their wife and abuse them as they think women are their property. More so, because women are afraid to speak up. Similarly, the women who do actually work get paid less than their male counterparts. It is downright unfair to pay someone less for the same work because of their gender. Thus, we see how women empowerment is the need of the hour. We need to empower these women to speak up for themselves and never be a victim of injustice.

How to Empower Women?

There are various ways in how one can empower women. The individuals and government must both come together to make it happen. Education for girls must be made compulsory. Women must be given equal opportunities in every field, irrespective of gender. Moreover, they must also be given equal pay. We can empower women by abolishing child marriage. Various programs must be held where they can be taught skills to fend for themselves in case they face financial crisis.

Most importantly, the shame of divorce and abuse must be thrown out of the window. Many women stay in abusive relationships because of the fear of society. Parents must teach their daughters it is okay to come home divorced rather than in a coffin.

All you need to know the Rights of Women in India

When we talk about the rights for women in India then we can take into consideration both the Constitutional Rights and Legal Rights. The constitutional rights are those which are incorporated in the various provisions of the constitution. The legal right refers to those which are incorporated in the various laws (Acts) of the Parliament and the State Legislatures. To be more specific, let's discuss the constitutional and other legal provisions related to women.

Constitutional provisions

Women empowerment is empowering the women to take their own decisions for their personal dependent. Empowering women is to make them independent in all aspects from mind, thought, rights, decisions, etc. by leaving all the social and family limitations. It is to bring equality in the society for both male and female in all areas. Women empowerment is very necessary to make the bright future of the family, society and country. Women's rights are an integral part of the concept of human dignity which are protected by different provisions of the Constitution of India.

Constitution is not to be construed as a mere law, but as the machinery by which laws are made. The Constitution is a living and organic thing which, of all instruments has the greatest claim to be constructed broadly and liberally. In India, the Constitution makers while drafting the Constitution were sensitive to the problems faced by women and made specific provisions relating to them. Our Constitution is the basic document of a country having a special legal holiness which sets the framework and the principal functions of the organs of the Government of a State. It also declares the principles governing the operation of these organs.

Our Constitution is one of the biggest Constitution in the world. Women's rights are an integral part of the concept of human dignity which are protected by different provisions of the Constitution of India. Our constitution makers adopted so many provisions for women empowerment. The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds 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 Constitution of India contains various provisions, which provide for equal rights and opportunities for both men and women. The constitutional provisions for women empowerment under Indian constitution are -

Preamble

The framers of the Indian Constitution were inspired by the Universal Declaration of Human Rights and they saw to it that the essence and the Spirit of the Universal Declaration was incorporated in the Constitution. The inspiration is evident in the Preamble to the Constitution which declares: Equality of status and of opportunity Fraternity assuring the

dignity of the individual. The Preamble contains the essence of the Constitution and reflects the ideals and aims of the people. The Preamble starts by saying that we, the people of India, give to ourselves the Constitution. The source of the Constitution is thus traced to the people, i.e. men and women of India, irrespective of caste, community, religion or sex. The makers of the Constitution were not satisfied with mere territorial unity and integrity. If the unity is to be lasting, it should be based on social, economic and political justice. Such justice should be equal for all. The Preamble contains the goal of equality of status and opportunity to all citizens. This particular goal has been incorporated to give equal rights to women and men in terms of status as well as opportunity.

Gender Justice and the Indian Constitution

The elimination of gender-based discriminations is one of the fundamentals of the constitutional edifice of India. In fact, the constitution empowers the state to adopt measures of positive discrimination in favor of women for neutralizing the cumulative discriminations and deprecations which women face.

Constitution of India has done a magnificent job in ensuring gender justice in the supreme law of the country. The preamble to the Constitution, inter alia, assures justice, social economic and political, equality of status and opportunity and dignity of the individual. It recognizes women as a class by itself and permits enactment of laws and reservations favoring them. Several articles in our Constitution make 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.

The commitment to gender equality is well entrenched at the highest policy making level in the Constitution of India. A few important provisions for women are mentioned below in brief.

Fundamental rights

Mostly fundamental right is the natural right. Part III of the Constitution consisting of Articles 12-35 is the heart of the Constitution. Human Rights which are the entitlement of every man, woman and child because they are human beings have been made enforceable as constitutional or fundamental rights in India.

The framers of the Constitution were conscious of the unequal treatment and discrimination meted out to the fairer sex from time immemorial and therefore included certain general as well as specific provisions for the upliftment of the status of women.

Art. 14 explain right to equality, Article 15 Prohibits discrimination against any citizen on the ground of sex and Article 15 (3) Empowers the state to make positive discrimination in favour of women and child, Article 16 Provides for equality of opportunity in matter of public employment, Art. 21 explain right to live with human dignity. Art. 23 explain right against exploitation.

Justice Bhagwati in *Maneka Gandhi v. Union of India*³ said: "These fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent."

Article 14: Guarantees that the State shall not deny equality before the law and equal protection of the laws.

Article: 14 explain - The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15: Prohibits discrimination against any citizen on the ground of sex and Article 15 (3) Empowers the state to make positive discrimination in favour of women and child.

Article 15: Prohibition of discrimination on grounds of religion, race, cast, sex, or place of birth.

(1) The state shall not discrimination against any citizen on grounds only of religion, race, cast, sex, or place of birth or any of them.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

Accordingly, Article 15(1) prohibits gender discrimination and Article 15(3) lifts that rigour and permits the State to positively discriminate in favour of women to make special provisions to ameliorate their social condition and provide political, economic and social justice. The State in the field of Criminal Law, Service Law, Labour Law, etc. has resorted to Article 15(3) and the Courts, too, have upheld the validity of these protective discriminatory provisions on the basis of constitutional mandate.

A Woman shall not be denied a job merely because she is a woman

In its land mark judgment, the Apex Court in *Air India V. Nergesh Meerza*⁴ has held that a woman shall not be denied employment merely on the ground that she is a woman as it amounts to violation of Article 14 of the Constitution. In the present case where in airhostesses of Indian Air Lines and Air India have challenged the service rules which state that:

Airhostesses shall not marry for the first four years of their joining, they will lose their jobs if they be become pregnant. They shall retire at the age of thirty-five years, unless managing director extends the term by ten years in his discretion.

The Supreme Court suggested that the first provision is legal, as it would help in promotion of the family planning programmes, and will increase the expenditure of airlines recruiting airhostesses on temporary or adhoc basis, but the second and third provisions to be declared as unethical, callous, cruel, detestable, abhorrent, unreasonable, and unconstitutional and an open insult to Indian womanhood.

Thus, the above decision of the Apex Court has greatly elevated the status of working woman.

Denial of Seniority promotion on Ground of Sex

Rules regarding seniority and promotion in the Indian Foreign service was challenged before the Apex Court in *Miss. C. B. Muthamma v. Union of India*⁵. Where it has been held that the Rules relating to seniority and promotion in Indian Foreign Service which make discrimination only on ground of sex is not only unconstitutional but also a hangover of the masculine culture of hand cuffing the weaker sex. In the instant case a writ petition was filed before the Apex Court it was contended that she had been denied promotion to Grade I on the ground of Sex, which violated Article 15 of the Constitution of India, 1950. The Apex Court allowed the petition and held that Rule 8(2) of the Indian Foreign Service (Conduct and Discipline) Rules,

1961 which requires that an unmarried woman member should take permission of the Government before she marries. After marriage, she may be asked any time to resign if it is felt that her family life affects her efficiency as of right to be appointed to the service (I.F.S.) contravenes Article 15 of the Constitution. In view of the above decision, now these provisions have been deleted.

Article 16: "Provides for equality of opportunity in matter of public employment."

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

(2) No citizens shall, on grounds only of religion, race, cast, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state.

The Constitution, therefore, provides equal opportunities for women implicitly as they are applicable to all persons irrespective of sex. However, the Courts realize that these Articles reflect only de jure equality to women. They have not been able to accelerate de facto equality to the extent the Constitution intended.

There is still a considerable gap between constitutional rights and their application in the day-to-day lives of most women. At the same time, it is true that women are working in jobs which were hitherto exclusively masculine domains. But there are still instances which exhibit lack of confidence their capability and efficiency. There remains a long and lingering suspicion regarding their capacities to meet the challenges of the job assigned

Gender equality becomes elusive in the absence of right to live with dignity.

Article 21 Protection of life and personal liberty.

"No person shall be deprive of his life or personal liberty except according to procedure established by law.

In Vishaka v. State of Rajasthan⁶ the Supreme Court, in the absence of legislation in the field of sexual harassment of working women at their place of work, formulated guidelines for their protection. The Court said:

"Gender equality includes protection from sexual harassment and right to work with dignity which is a universally recognised basic human right. The common minimum requirement of this right has received global acceptance. In the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all workplaces, the contents of international conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in articles 14, 15, 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein and for the formulation of guidelines to achieve this purpose."

Article 23: Prohibits trafficking in human beings and forced labour; Article 23 of the Constitution specifically prohibits traffic in human beings. Trafficking in human beings has been prevalent in India for a long time in the form of prostitution and selling and purchasing of human beings.

Art. 23 - Prohibition of traffic in human beings and forced labour.

(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in

accordance with law.

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

In Gaurav Jain v. Union of India^[7], the condition of prostitutes in general and the plight of their children in particular was highlighted. The Court issued directions for a multi-pronged approach and mixing the children of prostitutes with other children instead of making separate provisions for them. The Supreme Court issued directions for the prevention of induction of women in various forms of prostitution. It said that women should be viewed more as victims of adverse socio-economic circumstances than offenders in our society.

The Immoral Traffic (Prevention) Act, 1956 and the Indian Constitution:

Article 23 of the Constitution provides the right against exploitation. This constitutional provision prohibits traffic in human beings. In this context traffic in human beings includes 'devadashi system'. The Apex Court in Vishal Jeet v. Union of India^[8], observed that trafficking in human beings has been prevalent in India for a long time in the form of selling and purchasing of human beings for prostitution for a price just like that of vegetables.

On the strength of Article 23(1) of the Constitution, the legislature has passed the Immoral Traffic (Prevention) Act, 1956 which aims at abolishing the practice of prostitution and other forms of trafficking including 'devadasi system'. The court further observed that this Act has been made in pursuance of the International Convention which signed the declaration at New York (USA) on 9th May 1950 for the prevention of immoral traffic. In the view of the above statutory position and circumstances, the Apex Court upheld the validity of the said Act.

Thus on the strength of the Constitutional powers the state is permitted to enact special laws exclusively for women and children, even the State may make preferential statute to promote development of the women in every walk of life.

Directive principles of state policy

However Directive Principles of State Policy are not enforceable in any court of law. They are essential in the governance of the country and provide for the welfare of the people, including women.

These provisions are contained in Part IV of the Constitution. Fundamental Rights furnish to individual rights while the Directive Principles of State Policy supply to social needs.

Article: 39 certain principles of policy to be followed by the state.

The State shall, in particular, direct its policy towards securing -

- a. That the citizen, men and women equally, have the right to an adequate means of livelihood;
- b. That there is equal pay for equal work for both men and women;
- c. that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

Article 39(a) directs the State to direct its policy towards securing that citizens, men and women, equally have the right to an adequate means of livelihood.

Article 39(d) directs the State to secure equal pay for equal work for both men and women. The State in furtherance of this directive passed the Equal Remuneration Act, 1976 to give effect to the provision.

Article 39(e) specifically directs the State not to abuse the health and strength of workers, men and women.

Article: 42 - Provision for just and humane conditions of work and maternity relief. The State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 42 of the Constitution incorporates a very important provision for the benefit of women. It directs the State to make provisions for securing just and humane conditions of work and for maternity relief.

Article 44 directs the State to secure for citizens a Uniform Civil Code applicable throughout the territory of India. Its particular goal is towards the achievement of gender justice. Even though the State has not yet made any efforts to introduce a Uniform Civil Code in India, the judiciary has recognised the necessity of uniformity in the application of civil laws relating to marriage, succession, adoption, divorce, maintenance, etc. but as it is only a directive it cannot be enforced in a court of law.

However, one of the most dynamic members of the Assembly, Shri K.M. Munshi, expressed his opinion that: "if the personal law of inheritance, succession, etc. is considered as a part of religion, the equality of women can never be achieved."

The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)

The State to raise the level of nutrition and the standard of living of its people (Article 47)

Fundamental Duties

Parts IV-A which consist of only one Article 51-A was added to the constitution by the 42nd Amendment, 1976. This Article for the first time specifies a code of eleven fundamental duties for citizens.

Article 51-A (e) is related to women. It states that; "It shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religion, linguistic, regional or sectional diversities; to renounce practices derogatory to the dignity of women"

*** [73rd and 74th Constitutional Amendment Act reserved 1/3rd seats in Panchayat and Urban Local Bodies for women.]**

Article: 243 D Reservation of seats. (73rd Amendment - w.e.f. 1-6-1993)

- a. Seats shall be reserved for
- b. The Scheduled Castes; and (b) the Scheduled Tribes.

In every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat

area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

Article: 243 T Reservation of seats. (74th Amendment - w.e.f. 1-6-1993)

243T. Reservation of seats

(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes

and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

Article: 243 G. - Powers, authority and responsibilities of Panchayats Read with Eleventh Schedule.

243G. Powers, authority and responsibilities of Panchayats Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to

(a) The preparation of plans for economic development and social justice;

(b) The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

Legal Provisions

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as Murder, Robbery, Cheating etc, the crimes, which are directed specifically against women, are characterized as Crime against Women. These are broadly classified under two categories.

(i) The Crimes Identified Under the Indian Penal Code (IPC) Rape (Sec. 376 IPC) Kidnapping & Abduction for different purposes (Sec. 363-373) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC) Torture, both mental and physical (Sec. 498-A IPC) Molestation (Sec. 354 IPC) Sexual Harassment (Sec. 509 IPC) Importation of girls (up to 21 years of age) (ii) The Crimes identified under the Special Laws (SLL) Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard to women and their interests are

1. Protection of Women from Domestic Violence Act (2005) This Act protects women from any act/conduct/omission/commission that harms, injures or potential to harm is to be considered as domestic violence. This is a comprehensive legislation to protect women in India from all forms of domestic violence by the husband or any of his relatives. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse.
2. The Immoral Traffic (Prevention) Act, 1986 (PITA) has amended The Immoral Traffic (Suppression) Act, 1956 (SITA). This Act is the premier legislation only for prevention of trafficking for commercial sexual

exploitation i.e. for the purpose of preventing and ultimately prohibiting prostitution for women and girls to criminalize sex work. In 2006, the Ministry of Women and Child Development proposed an amendment bill i.e. the Immoral Traffic (Prevention) Amendment Bill, 2006 that has yet to be passed.

3. Indecent Representation of Women (Prohibition) Act (1986) prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.
4. Commission of Sati (Prevention) Act (1987) provides for the more effective prevention of the commission of practice of Sati or the voluntary or forced burning or burying alive of widows, and to prohibit glorification of this action through the observance of any ceremony.
5. Dowry Prohibition Act (1961) prohibits the giving or receiving of dowry at or before or any time after the marriage from women. Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.
6. Maternity Benefit Act (1961) protects the employment of women during the time of her maternity and entitles her to a 'maternity benefit' and certain other benefits. The Maternity Benefit (Amendment) Act, 2017 an amendment to the Maternity Benefit Act (1961) has been passed. The Act is applicable to contractual or consultant women employees, as well as to the women who are already on maternity leave at the time of enforcement of the Amendment Act.
7. Medical Termination of Pregnancy Act (1971) provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.
8. The Medical Termination of Pregnancy Act of 1971 are the safeguards of women from unnecessary and compulsory abortions.
9. Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female foeticide.
10. Equal Remuneration Act (1976) provides for payment of equal remuneration to both men and women workers for same work or work of a similar nature. It also prevents discrimination on the ground of sex, against women in recruitment and service conditions.
11. Muslim Women (Protection of Rights on Divorce) Act (1986) protects the rights of Muslim women who have been divorced by or have obtained divorce from their husbands.
12. Hindu Succession Act (1956) recognizes the right of women to inherit parental property equally with men. Then there came the Hindu Succession (Amendment) Act 2005 granting daughters the right to inherit ancestral property along with their male relatives.
13. Minimum Wages Act (1948) does not allow discrimination between male and female workers or different minimum wages for them.
14. Mines Act (1952) and Factories Act (1948) prohibits the employment of women between 7 P.M. to 6 A.M. in mines and factories and provides for their safety and welfare.
15. The Sexual Harassment of Women at Work Place (Prevention and Protection) Act (2013) provides

- protection to women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganized.
16. The Muslim Women (Protection of Rights on Marriage) Act, 2019: - The Muslim Women (Protection of Rights on Marriage) Bill 2019 became an Act after being passed by the Parliament and subsequently receiving the President's assent. This Act, also commonly called as the 'Triple Talaq Bill', is one of the historic decisions safeguarding Muslim Women's Fundamental Rights and shielding them against arbitrary religious practices. The Muslim Women (Protection of Rights on Marriage) Act, 2019 is an Act of the Parliament of India criminalising triple talaq. In August 2017 the Supreme Court of India declared triple talaq, which enables Muslim men to instantly divorce their wives, to be unconstitutional.
 17. Child Labour (Prohibition and Regulation) Amendment Act, 2016 prohibits the engagement of children in all occupations and of adolescents in hazardous occupations and processes, where adolescents refer to those under 18 years and children to those under 14 years.
 18. The Protection of Children from Sexual Offences (POCSO Act) 2012 was formulated in order to effectively address sexual abuse and sexual exploitation of children. It defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment, and pornography.
 19. Factories Act 1948 under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women except between 6 A.M. and 7 P.M.
 20. The Child Marriage Restrain Act of 1976 this act raises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.

Some other acts which have special provisions to safeguard for women & their interests are:

1. The Employees State Insurance Act, 1948
2. The Plantation Labour Act, 1951
3. The Family Courts Act, 1954
4. The Special Marriage Act, 1954
5. The Hindu Marriage Act, 1955
6. The Hindu Succession Act, 1956 with amendment in 2005
7. The Prohibition of Child Marriage Act, 2006
8. The Contract Labour (Regulation and Abolition) Act, 1976

Recent amendments to certain laws.

1. The criminal law amendment act, 2013

The legislature enacted the Criminal Law Amendment Act, 2013, to amend the Indian Penal Code, 1860, Indian Evidence Act, 1872, the Code of Criminal Procedure, 1973 and the Protection of Children from Sexual Offences Act, 2012. The act has included the following sections. -

- Section 354A provides for Sexual harassment and punishment for sexual harassment.
- Section 354B provides for Assault or use of criminal force to woman with intent to disrobe.
- Section 354C provides for Voyeurism.
- Section 354D provides for Stalking.

- The definition of "Rape" under section 376 has been amended.

2. The criminal law amendment act, 2018.

The legislature enacted the Criminal Law Amendment Act, 2018, to amend the Indian Penal Code, 1860, Indian Evidence Act, 1872, the Code of Criminal Procedure, 1973 and the Protection of Children from Sexual Offences Act, 2012. It received the President's assent on 11-08-2018 and was notified on the same day, to be effective from 21-04-2018. The act has included the following sections. -

- Section 376AB Provides Punishment for rape on woman under twelve years of age.
- Section 376DA Provides Punishment for gang rape on woman under sixteen years of age
- Section 376DB Provides Punishment for gang rape on woman under twelve years of age

4. Special Initiatives for Women

1. **National Commission for Women:** In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.
2. **Reservation for Women in Local Self -Government:** The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.
3. **The National Plan of Action for the Girl Child (1991-2000):** The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.
4. **National Policy for the Empowerment of Women, 2001:** The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a "National Policy for the Empowerment of Women" in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

Recent Schemes for Women Empowerment

National Commission for Women in January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc. The National Commission for Women has in the last few years introduced several new bills in the parliament from time to time towards eradication of many social evils. Some of the significant enactments are mentioned here.

1. Beti Bachao Beti Padhao Scheme
2. One Stop Centre Scheme
3. Women Helpline Scheme
4. Working Women Hostel
5. Pradhan Mantri Matru Vandana Yojana Scheme
6. Swadhar Greh (A Scheme for Women in Difficult Circumstances)
7. Support to Training and Employment Programme for Women (STEP)
8. Mahila Shakti Kendras (MSK)

9. Nirbhaya Fund.
10. Mahila police Volunteers

Conclusion

As we all know that India is a male dominated country where males are dominated in every area and females are forced to be responsible for only family care and live in the home including other many restrictions. Almost 50% of the population in India is covered by the female only so the full development of the country depends on the half population means women, who are not empowered and still restricted by many social taboos. In such condition, we cannot say that our country would be a developed in the future without empowering its half population means women.

The need of women empowerment arose because of the gender discrimination and male domination in the Indian society since ancient time. Women are being suppressed by their family members and society for many reasons. They have been targeted for many types of violence and discriminatory practices by the male members in the family and society in India and other countries as well. India is a land of customs, tradition and practices which have been developed through centuries to centuries. These customs, tradition and practices become the consciousness of our society. We worship female Goddesses, give importance and respect to our mothers, daughters, sisters, wives, friends, etc. But at the same time, we can't ignore the patriarchal system of our society and male superiority. Only respecting or honouring women cannot fulfil the need of development in the country. It needs the empowerment of the rest half population of the country in every walk of life.

Gender inequality is the main social issue in India in which women are getting back in the male dominated country. Women empowerment needs to take a high speed in this country to equalize the value of both genders. Uplifting of women in all means should be the utmost priority of the nation. Inequalities between men and women in the society generate lots of problems which become a big obstruction in the way to success of nation. It is the birth rights of the women to get equal value to the men in the society. To really bring empowerment, every woman needs to be aware about their rights from their own end. They need to take positive steps and involve in every activity instead of only involving in the household chores and family responsibilities. They should know about all the happenings in their surroundings and country. Women empowerment has the power to change many things in the society and country. They are much better than men to deal with certain problems in the society. They can better understand the disadvantages of the overpopulation for their family and country. They are fully able to handle the economic conditions of the family and country through proper family planning. Women are capable enough to handle any impulsive violence in comparison to the men whether in the family or society. Through women empowerment, it can be possible to change the male dominated country into the equally dominated country of rich economy. Empowering women may easily help to grow each and every member of the family without any extra effort. A woman is considered to be responsible for everything in the family so she can better solve all the problems from her own end. Empowerment of the women would automatically bring empowerment of everyone.

Women empowerment is empowering the women to take

their own decisions for their personal dependent. Empowering women is to make them independent in all aspects from mind, thought, rights, decisions, etc. by leaving all the social and family limitations. It is to bring equality in the society for both male and female in all areas. Women empowerment is very necessary to make the bright future of the family, society and country. Women's rights are an integral part of the concept of human dignity which are protected by different provisions of the Constitution of India. Constitution is the basic document of a country. In our Constitution there are a lot of provisions related to women empowerment. Our Constitution makers took certain constructive and much needed steps in favour of Indian women to make them independent and socially strong and today we can see the revolutionary change in the position and image of Indian women.

The Department of Women and Child Development functions also well in this field for the proper development of the women and child in India. Women are given a top place in India from the ancient time however they were not given empowerment to participate in all areas. They need to be strong, aware and alert every moment for their growth and development. Empowering women is the main motto of the development department because an empowered mother with child makes the bright future of any nation.

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