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## An Analysis of Legal Provisions for Women Empowerment in India

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**ABSTRACT:**Female empowerment is a catchword in India today. The Constitution of India ensures that there is no discriminated against on the basis of gender. There are different legal provisions mostly in Indian Constitution for women's protection and liberation, but still the irony is that percent of the country is deprived of their legal rights. We will address the relevant legal requirements for the equality of the sexes in this article. We will address the important legal requirements for female empowerment in India in this article.

**KEYWORDS:**Women Empowerment, Legal Provisions, Indian Constitution, Women rights, Indian Penal Code.

### I. INTRODUCTION

In all facets of life, history of ancient India had equal status with men. Rig Vedic verses indicate that at a mature age, women married and were presumably able to choose their own husbands. During the time of the prophet, women gained equal status and privileges. However, the status of women started to decline in around 500 B.C., but now with the Islamic invasion of Babur and the Mughal Empire and Christianity, the equality and rights of women later declined. While reform movements such as Jainism permitted women to be admitted to religious orders, containment and limitations were confronted by significant but large women in India [1]. It is assumed that the initiation of child marriage began around the sixth century. The Bhakti groups promised to change the status of women and challenged some forms of prejudice. Among some sects, rituals such as Sati, Jauhar, and Decades have been outlawed and are largely extinct in south Architecture. In inaccessible parts of India, however, most manifestations of these activities are still found. In some cultures, the purdah is still performed by Indian people. In rural areas, child marriage remains normal, but it is also illegal under current Indian law.

Several reformers, such as Ram Mohan Roy, Ishwar Chandra Vidyasagar and Jyotirao Phule, struggled for the betterment of women even during British Raj. In 1917, sponsored by the Indian National Congress, the first women's delegation met with the Secretary of Defense to assert the political rights of women. In 1927, the All India Women's Education Conference took place in Pune, becoming a significant association in the social reform movement. The Child Marriage Restriction Act was passed in 1929, stipulating fourteen also as girl's minimum marriage age [2]. While at the age of eleven, Mahatma Gandhi himself married, he later instructed individuals to boycott child marriages and thus on young men to marriage child widows. In India, women are still fully engaged in fields such as education, sports, politics, the media, culture and history, the service sector, science and technology, etc. Indira Gandhi, having for such an aggregate period of fifteen years served as India's Prime Minister, is indeed the longest tenured female Prime Minister mostly in world.

Not only does the Indian Constitution guarantee dignity to women, and this also motivates the State to take constructive harassment steps in favour of women to neutralise the combined socio-economic, educational and political disadvantages they face [3]. Fundamental rights include, but are not limited to, ensuring equality before the law or equal protection of the law; prohibiting discrimination against any person on religious grounds, ethnicity, caste, sex or

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place of birth; and ensuring equal work opportunities for all people. In this amendment, Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of particular significance.

## II. DISCUSSION

### *Laws related to women*

#### A. Indian Penal Code

- Rape (Sec. 376 IPC): A rapist shall be punished by serious imprisonment of any term which may extend of not less than seven years, though which may be extended to life imprisonment, and shall really be guilty of an offence.
- Kidnapping & Abduction for different purposes (Sec. 363-373) :Any party who abducts a minor for the reason of prostitution or abducting a minor/woman for prostitution or unlawful intercourse maximum term of either category for a period of up to 10 years and shall be guilty of an offence as well.
- Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC): If a woman's death is caused by any burns or bodily harm or occurs otherwise and under usual circumstances throughout seven years of her marriage and it is shown that she was subjected to cruelty or abuse by her in laws or husband shortly before her death, for or in relation with, any appeal for dowry, such murder shall be considered too as dowry death [4]. And who ever commits dowry death punishable with imprisonment for a period not less than seven years, but which could also be extended to life imprisonment, of any type.
- Torture, both mental and physical (Sec. 498-A IPC): The husband or relative of the wife to whom she is subjected to cruelty shall be punished by imprisonment of any type for a period of up to three years, and shall be subject to fines as well.
- Molestation (Sec. 354 IPC): And whomever assaults or uses criminal force against any woman, intending to outrage or knowing that it is likely to outrage her modesty, jail term of any description for a period of up to five years, including shall well be liable for a fine. And whomever assaults or uses criminal force against any woman, intending to outrage or knowing that it is likely to outrage her modesty, jail term of any description for a period of up to five years, including shall well be liable for a fine.
- Sexual Harassment (Sec. 509 IPC): Whoever wishes to disrespect the modesty of a woman, to articulate any word, to make any sound or gesture, or to show any object, to make such gestures or effects visible to that woman, or to intrude upon its privacy of that woman, felony conviction of either form for a period of up to three years, and shall really be liable to a fine.

#### B. Special Laws

While all laws are not gender-specific, the provisions of law that seriously affect women have been regularly reviewed and adjustments have been made to keep pace with the changing requirements [5]. Certain acts that have special provisions to protect women of their rights are:

- The 1961 Dowry Prohibition Act forbids the order, payment or reception of a "as consolation for the marriage" dowry, where "dowry" is classified as a gift requested or given as a marriage precondition. Gifts given without a necessary step shall not be regarded as dowry and shall be legal in accordance with section 3 (2). It can be punishable by imprisonment of up to six months, a fine of up to Rs. 15000 or the amount of

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dowry (whichever is greater), or imprisonment of up to 5 years. It replaced many pieces of legislation on anti-dowry passed by different Indian states.

- The main legislation addressing the status of sex workers is the Unethical Traffic (Suppression) Act (SITA) (1956). Prostitutes can practise their trade privately, according to this rule, but cannot legally solicit clients in public. Organized prostitution is illegal (brothels, rings for prostitution, pimping, etc.). As long as it is performed independently and willingly, in exchange for material gain, a woman may use her body. In fact, the legislation prevents a sex worker from practising her occupation within 200 yards of a public venue. In comparison to other occupations, sex workers are not covered under ordinary labour laws, but are entitled to rescue and rehabilitation if they wish and have all the rights of other people.
- The law also extends its protection to women living in a family, such as sisters, widows or mothers, specifically intended to offer protection to a wife or female living-in partner against domestic abuse at the hands of a husband or male living-in partner or his relatives [6]. Domestic violence under the Act entails direct assault, whether physical, sexual, verbal, emotional or economic, or the possibility of abuse. Harassment of the woman or her family by way of unlawful dowry demands will also be included under this definition. Indira Gandhi, having for such an aggregate period of fifteen years served as India's Prime Minister, is indeed the longest tenured female Prime Minister mostly in world.
- The 2013 Sexual Harassment of Women at Work (Prevention, Prohibition and Redressal) Act is a constitutional act in India that aims to protect women in their workplace from sexual harassment. The Act will ensure that women in all workplaces, whether public or private, are shielded from sexual assault. This will lead to the realisation, in the world, of their right to gender equality, to life and independence, and to equality in working conditions [7]. The sense of workplace safety would increase the participation of women in the workplace, contributing in their economic empowerment and inclusive development. Under the Act, which also includes school and college students as well as hospital patients, grievance committees also had to be set up by employers and local authorities to investigate all grievances. With a fine of up to 50,000 rupees, employers who refuse to comply will be disciplined [8].

The Special Marriage Act, 1954 The Parliament of India Act, regardless of religion or perhaps the International Journal of Humanities and Management Sciences (IJHMS), enacted and provide a special form of marriage for the citizens of India and all Indian nationals in foreign countries, Volume 3, Issue 5 (2015) ISSN 2320-4044 (Online) 368 faiths followed by either side:

- ✓ To provide a special form of marriage in certain cases,
- ✓ To provide for registration of certain marriages and,
- ✓ To provide for divorce.

### III. CONCLUSION

Our legislation, development policies, strategies and programmes have targeted women's advancement in various fields within the context of a democratic political system. A major change in the approach to women's problems has been from welfare to growth from the Fifth Five Year Plan (1974-78) onwards. The empowerment of women has been recognised as the central problem in deciding women's status in recent years. International Journal of Humanities and Management Sciences (IJHMS) Volume 3, Issue 5 (2015) ISSN 2320-4044 (Online) 369 and the Parliament's Act of 1990 were formed by the National Commission for Women to safeguard women's rights and legal rights. The 73rd and

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74th Amendments (1993) to the Constitution of India provided for the reservation of seats for women in the local bodies of the Panchayats and Municipalities, laying a clear basis for their participation at the local level in decision-making.

Various international treaties and human rights instruments dedicated to ensuring fair rights for women have also been ratified by India. The adoption of the Convention on the Abolition of All Forms of Discrimination against Women (CEDAW) in 1993 is of vital importance. The women's movement and a wide-ranging network of non-governmental organisations with a strong grassroots presence and a broad knowledge of women's issues have led to inspiring women's empowerment initiatives. There is, however, still a broad gap between, on the one hand, the objectives set out in the Constitution, legislation, strategies, plans, services, and relevant processes, and, on the other hand, the situational reality of women's status in India.

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