



ROLE OF LAW IN EMPOWERING WOMEN

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INTRODUCTION

“No struggle can ever succeed without women participation side by side with men. There are two powers in the world. One is the sword, one is the pen. There is a third power, stronger than both, that of women”

– Malala Yousafzai

The biological fact separates the human as man and women on the basis of the sex. Both the men and women are representing the same way of life, culture and heritage. Women are playing predominant role in society. The civilization can be assessed how the members of society treated the women. But women have not enjoyed the absolute right and they faced inequality, discrimination and exploitation. In India, so many laws are enacted to abolish these evils to empower the women.

SOCIAL STATUS OF WOMEN IN INDIA

In ancient India, during vedic period women enjoyed a position which was much better than medieval period. Later on women were faced so many problems such as sati practice, polygamy, preference to male children, child marriage, dowry deaths and harassments. They became the victims of the domestic violence. Education was declined for women. After the independence, the position of women went on improving and their status has radically changed through various laws. In modern India these laws are empower them to take participation in Education, armed forces, judiciary especially in white collar works.

very low. In political life there will be corruption, violence, terrorism and instability.

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| After 1962 election | 33 women member were elected out of 494 members |
| After 2019 election | 78 women member were elected out of 542 members |

The government increase the political participation of women by took various steps and by implementing laws.

POLITICAL STATUS OF WOMEN IN INDIA

In India , women do more household works . They should take care of home and their children. So public life seems as burden for them. Around 50 percent of Indian population is women. But their role in Mps , MLAs, central minister, state minister, Governors, ambassadors, secretaries, legal advisers are

EMPOWERMENT OF WOMEN THROUGH LAW

Indian government implement the laws to upgrade the position and status of the women.

The Indian constitution, 1950

The provisions of Indian constitution treat both the men and women equally without the discrimination.



ARTICLE 14

Everyone is equal before the law and everyone has the equal protection of the laws.

ARTICLE 15

It prohibits the discrimination of any citizen on the basis of religion, race, caste and sex.

ARTICLE 16

No citizen shall, on grounds only of religion, race, caste, 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.

It provide equal opportunity in employment and appointment at any office for all citizens.

73RD AMENDMENT

This amendment give special powers to women in political participation. Ad per this amendment, 1/3 of the seats are reserved for women in three tier system of panchayat raj.

This is a very bold step towards the empowerment of women.

Dowry prohibition Act,1961

Dowry means the bride or her family giving money, jewels or other valuable gifts to the bridegroom or his family. So many women were affected due to this practise.

An act was introduced in 20th May, 1961 to prohibit the taking and giving of dowry. Under section 3, if any person gives or takes the dowry shall be punished with imprisonment for a term not less than 5 years or fine not less than Rs.15,000.

Child marriage prohibition Act, 2006

Child marriage prohibition Act replaced the old Act named Child marriage restraint Cat,1929.

This act prohibits the marriage between the parties where either of the party is child.

Child means the person if a male who has not completed the age of 18, if a female who has not completed the age of 21.

Under the section 3, Child marriages to be voidable at the option of contracting party being a child.-

Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage: Provided that a petition for annulling a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage.

If at the time of filing a petition, the petitioner is a minor, the petition may be filed through his or her guardian or next friend alongwith the Child Marriage Prohibition Officer.

The petition under this section may be filed at any time but before the child filing the petition completes two years of attaining majority.

While granting a decree of nullity under this section, the district court shall make an order directing both the parties to the marriage and their parents or their guardians to return to the other party, his or her parents or guardian, as the case may be, the money, valuables, ornaments and other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money: Provided that no order under this section shall be passed unless the concerned parties have been given notices to appear before the district court and show cause why such order should not be passed.

Under this Act whoever performs the child marriage shall be punished with rigorous imprisonment for 2 years and liable to fine which may extend to 1 lakh.

Sexual harassment of women at workplace prevention Act,2013

Nowadays number of complaints are filed against harassment at workplace.

Sexual harassment of women at workplace prevention Act was introduced to prevent and safeguard the women from sexual harassment.

Under section 3 ,

No woman shall be subjected to sexual harassment at any workplace.

The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:—

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment ; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

Under section 9,

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all

reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months , if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

Vishaka vs State of Rajasthan

This judgement laid down guidelines to provide mechanism to redress grievances and prevent the women from workplace sexual harassment.

Maternity benefit Act,1961

This act provide maternity benefit to the working women . It give leave with wages / salary to the working women at their delivery time and to take care of their children.

Under section 5,

Every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence, that is to say, the period immediately preceding the day of her delivery, the actual day of her delivery and any period immediately following that day.

No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit, for a period of not less than 3 eighty days in the twelve months immediately preceding the date of her expected delivery:

Provided that the qualifying period of 4 eighty days aforesaid shall not apply to a woman who

has immigrated into the State of Assam and was pregnant at the time of the immigration.

The maximum period for which any woman shall be entitled to maternity benefit shall be twenty-six weeks of which not more than eight weeks shall precede the date of her expected delivery:

Provided that the maximum period entitled to maternity benefit by a woman having two or more than two surviving children shall be twelve weeks of which not more than six weeks shall precede the date of her expected delivery:

Provided further that where a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death:

Provided also that where a woman, having been delivered of a child, dies during her delivery or during the period immediately following the date of her delivery for which she is entitled for the maternity benefit, leaving behind in either case the child, the employer shall be liable for the maternity benefit for that entire period but if the child also dies during the said period, then, for the days up to and including the date of the death of the Child.

woman who legally adopts a child below the age of three months or a commissioning mother shall be entitled to maternity benefit for a period of twelve weeks from the date the child is handed over to the adopting mother or the commissioning mother, as the case may be.

In case where the nature of work assigned to a woman is of such nature that she may work from home, the employer may allow her to do so after availing of the maternity benefit for such period and on such conditions as the employer and the woman may mutually agree

National commission for women Act, 1990

This Commission was formed under this Act to prevent all the kind of violence and exploitation against women. This Commission review the constitution safeguards for women in the

country . This Commission advices the government to make policies, schemes and enact laws to protect the rights of the women.

Functions of National commission:

(a) investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;

(b) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(c) make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;

(d) review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;

(e) take up the cases of violation of the provisions or the Constitution and of other laws relating to women with the appropriate authorities;

(f) look into complaints and take suo motu notice of matters relating to—

(i) deprivation of women's rights;

(ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities;

(g) call for special studies or investigations into specific problems or situations arising out of

discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;

(h) undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;

(i) participate and advise on the planning process of socio-economic development of women;

(j) evaluate the progress of the development of women under the Union and any State;

(k) inspect or cause to be inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;

(l) fund litigation involving issues affecting a large body of women;

(m) make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil;

(n) any other matter which may be referred to it by the Central Government.

CONCLUSION

Women are the backbone of the society. Women's role in the development of the country is very significant. So that equal opportunity and equal rights should be given to them. The contribution of women in various sector has increased through the various laws.

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