
CRITICAL EVALUATION OF SOCIO-LEGAL ENACTMENTS RELATED TO WOMAN & WOMAN EMPOWERMENT

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ABSTRACT

Woman Empowerment in India is a key for Self Reliance and Empowerment. Still there is a mass of people who thinks that female should remain at home and she is just a house keeper so no need for education but the reality is female/girl is far ahead than man in every field as presently in Vadodara, Gujarat Dr. Jigisha Sheth is 57th Mayor and Ms. Shalini Agrawal, IAS, Collector of Vadodara, Gujarat, she cleared her exam and interview for IAS in first attempt. She is active in many extra curriculum activities like swimming, horse riding, bike riding, car driving, classical dance, kattrhak, bharat natyam ext. Than Mrs.Indu Jain a chair person of India's largest media group, Bennett, Coleman & Co. Ltd. Kiran Mazmudar Shaw as founder Chairman and Managing Director of Biocon Limited. Indra Nooyi working as CFO & President of Pepsi Co. and so on many more females in corporate world and also in politics too. Though the thinking shoes bias to female and discriminated through socio-economic factors of the society. Though Government shall provide free education to female child and specially all those who are in minorities who can't avail the education easily or can't afford it even if they are willing to be educated, to enhance the economy of country girls should be educated compulsorily and it too provided free of cost, who actually require. Woman can become stronger if she will be aware of her Rights available to her in Indian Constitution and other Laws if she is educated and also she can protest for her rights and secure herself from discrimination at various places.

Keywords: Gender Bias, Woman Empowerment Socio – Economic Factor, Custom/tradition, lack of awareness/education

Introduction: -

In present era it's very necessary to empower woman in a way make herself independent and independent in economically. In today's fast life where it is very basic necessities are also very costly than before, it's very much required that woman also do work and support the family and vice versa. In every field we can see that woman is far better than man i.e., either the stream of education or government office, she can handle both. She is crossing all the hurdles of the success in her life now days. Through this research the researcher tries to give the message that, if there is a successful woman – there is her family standing with her strongly like a pillar to empower her yet in India still there is a class of people who thinks that a girl is meant for a home, she shall remain at home doing car of her siblings do household work and other responsibilities. Small girls are compelled to remain at home and not allowed to study as the study now a days has become out of the reach for a lower class though the priority is given to boys rather than female child being gender discriminated due to custom or tradition.

Even today the struggle for establishing her independent identity is being pursued though with more vigor. A movement is being launched with a hope of success. The study about Woman era is important for better position of Woman.

There are equality and social justice, such provisions in our Constitution. If woman is not educated, she will not be conscious about their constitutional and statutory rights. Without equality and social justice there cannot be Woman Empowerment through democracy in the real sense.

According to a report of United Nations Published in 1980 – “Women constitute half of the World Population, perform nearly two – thirds of works hours, receive one tenth of the world income and own less than one hundred percent of world's property. In view of the Supreme Court as observed in **Madhu Krishnan V. State of Bihar**,¹women from half of the Indian population. Women have always been discriminated against men and have suffered denial and are suffering discrimination in silence, self sacrifice and self denial are their nobility and fortitude and yet they have been subjected to all kinds of inequalities indignities, incongruities and discrimination.²

¹ (1956) 5 SCC 148.

² Law Relating to Women & Children by Dr. S.C.Tripathi & Vibha Arora,Page Number 5,Para 2.

Objectives: -

- To throw light on the bridge between woman empowerment and economic development.
- To focus on the link between woman empowerment and Economic growth.
- To scrutinize the connection/bond between woman empowerment and poverty.
- To examine the reasons that leads woman towards Prostitution.
- To examine the problems faced by uneducated woman rather than the educated woman in India.
- To focus on the role of woman in Economic development and their approach being self-reliant.
- To trough light on Rights available to women.

Historical Background: -

The position of woman has been pitiable in our history. She could not feel independence and act so, barring a few exceptions. In past woman are not allowed to go out of the home they have to stay at the premises and not allowed to study even if they are willing to be educated. Education is a very basic necessity for everyone to become stronger and be aware of their rights and duties available to them in India through the Indian Constitution. Woman must be educated at free of cost as there is a quote that “If you educate a man, you educate an individual, but if you educate a woman, you educate a nation”. Education is most powerful weapon through which drastically change the world at large.

Present Condition: -

Presently the women are more educated than in past. They are present in every field working actively and passionately. Recently in Kerala we analyzed that Women are forced to faced gender discrimination and Bias at a religious **Ayappa Temple**, which is a place visited by lots of people every day from the various places of the country at large. Also, the researcher

analyzed that at today's times even the lower category girl's also do fight to study and become self reliant and do make their position in the Economic world while taking the advantage that they receive from the government that is in a way of reservation.

Inter relationship between Education and Economic Self Dependence: -

The question arises why there is a requirement to educate a woman? What's the need? What is the connection in educating her and to grow Economically? Education is a very basic requirement for an individual to become economically stable and have a status/stand in a society, to be in a good condition or to be on a good post in today's hierarchy, to become strong and independent. Still in some rural areas woman is facing harassment and suppression, they cannot raise their voice against the social evil or social discrimination because they are not educated.

Now a day's India is becoming hub for Artificial Insemination/Surrogacy. The female who is not educated may get attracted towards the wrong path like surrogacy or prostitution to become independent or for survival. Though education is priority woman must be educated to access the available rights to them through Constitution.

Critical evaluation of Socio Legal enactments relating to Woman: -

There is various legislation through which woman can be empowered. There are provisions relating to woman and their rights in various legislations.

- Women and Constitution Law of India

Article 14 – grants every person, equality before law and equal protection of law.

Right to Equality – In **Uttrakhand Mahila Kalyan Parishad & Others V. St. of U.P.**³, the Supreme Court held that under the constitutional arrangement, here is no occasion for a differential treatment between men and women employees. In the educational department when they are doing the same job, nor is there any justification for a preferential treatment in the matter of affording promotional avenues for the male teachers. The court directed the State of Uttar Pradesh to create equal pay scales.

³ AIR 1992 SC 1695

Equality in Employment: -

Constitution of India, lays down that no discrimination on the ground of sex for employment. The land mark case in the history of women's right on this point is **Air India V. Nargish Meerza and others**,⁴in this case, Air India's Employees Service Regulations and of Indian Airline service Regulations were declared against the letter and spirit of Article 14 of Indian Constitution. Regulation 46 (1)(c) of the Air India employees Service Regulations provided that an Air Hostess was suppose to resign from her service.

- a. Upon attaining the age of 35 years, or
- b. On marriage if it takes place within 4 years of service,
- c. On the first pregnancy, whichever occurs at the earliest stage of the job, it was ultra virus to Article 14 of Indian Constitution. It was observed that. "It seems to us that the termination of the service of an Air Hostess under such circumstances is not only a callous and cruel act but an open insult to Indian Woman hood – the most sacrosanct and cherished institution".

Such a judgment, while recognizing the biological imperatives in a woman, goes far in asserting a woman's right to private choices and also to professional opportunities. Why should a woman be "Penalized" for bearing a child and be made to give up her job? It is clearly, the arbitrary, unfair and discriminatory employment "Law" and to be changed to reflect the spirit of Article - 14 of the Indian Constitution.

Article 15(1) – lays down that the "state shall not be discriminated against any citizen" on grounds of sex along with any other grounds.

Article 15(3) – State shall not be prevented from making the special provisions for woman.

Protective Discrimination

⁴ AIR 1991 SC 1829

The reason for the protective discrimination lies down due to traditional beliefs, women’s physical structure and the performance of maternal functions places her at disadvantages in the struggle for subsistence, and her physical position.

The Assam High Court in **Beney Bhusan Chakravati V. Govindra Sharma**,⁵up held Rule 3 of Election Rules under the Assam municipal Act,1923, Providing discrimination in voting facilities in favor of women as constitutional and not ultra-virus of article 15 (3) of Constitution.

- Women and Penal Laws

Indian Penal Code	Matrimonial Offence	
Sec.	Particular	Punishment
494	Marriage during wife alive	7 years imprisonment and fine
495	Marriage second time and conceal the matter of previous marriage	10 years imprisonment and fine
496	Fraudulent marriage even though having knowledge of marriage ceremony	7 years imprisonment and fine
497	Adulteration	5 years imprisonment and fine or both

⁵ AIR 1995 Assam- 1780.

498	Seduction of a married woman	2 years imprisonment or fine or both
498 - A	Torture mentally or physically to a married woman	3 years imprisonment and fine
366 - A	Procuration of minor girl	10 years imprisonment and fine
366 - B	Import a girl from abroad	10 years imprisonment and fine
372	To sell a minor woman for intending prostitution	10 years imprisonment and fine
376	Rape – under 12 years	Life time imprisonment or 10 years imprisonment
376 – A	Inter course during separation	2 years imprisonment and fine
376 – B	By state employee (rape regarding)	5 years imprisonment and fine
376 – C	By jail superintendent	5 years imprisonment and fine

376 – D	By hospital staff or management	5 years imprisonment and fine
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- Women and Family Laws

Maternity Benefit Act, 1961 – The Act provides for payment of cash maternity benefits for certain periods before or after confinement, grant of leave and other medical facilities. This benefit is available in case of confinement, miscarriage, sickness striking out of pregnancy and premature birth of the child. In 1995 the act was amended to extend the benefits to woman undergoing tubectomy, medical termination of pregnancy and for any illness arising out of MTP or tubectomy.

- Women and Labour Laws

Our Constitution says that women have right to public employment. There are various provisions relating to employment to women in our constitution. No one shall be discriminated on the ground of sex, caste, creed or colour in the matter of employment. The Labour registration in India has been formed with a view to protect woman from exploitations.

Legal provisions regarding working conditions for Woman – In India, there is the weaker sections of society and society being male – dominated; female labour received very poor recognition or value. In fact, the constitutional provisions have provided equal rights and opportunities to both the genders. In addition, there were provisions for protection and welfare of working woman in many of the labour laws. There are many laws which are meant for working woman is paradoxically turned against their interest by unscrupulous employees.

All women work to earn money. Working women must know that they have some basic rights which are given by the Law.

- a. Equal pay for equal work
- b. Maternity Protection

- c. Night work
 - d. Maximum permissible weight of load
 - e. Crèche facilities
 - f. Unhealthy Employment
 - g. Non discrimination against women in employment and occupation and
 - h. Other welfare measures.
- Women and Legal Aid

Prison Laws for Women – No one shall be deprived of their rights except confinement of a person due to his wrong act. And for that no distinction has been made in this matter between a man and a woman under the constitution or any other law in force in India.

Special provisions for woman under custody –They must be kept in to the separate building or in separate part of the same building. Female prisoners under trial have to be segregated from the convicts undergoing sentence. Adolescent female prisoners should be kept away from older women whether habitual offender or not. A female prisoner has to be secluded by the matron before admission to the jail.

Sec. 416 of Cr.P.C. - The execution of death sentence of a female prisoner can be postponed and commuted to life imprisonment.

Conclusion

Still there is a need to focus on the education of a girl child to have woman empowerment and to make them economically self reliant and not to get diverted towards the wrong path like prostitution. Today in every field woman is more ahead than the man, education is only the key to make herself reliant and powerful in her life, to change her condition and to make her aware to her rights she must be educated, her education must be free of cost provided by the Government.

Due to lack of education when woman lost the bread earner of her family may get directed

towards the prostitution or may go for surrogacy to become economically strong and for her basic survival needs. If she will be provided that much knowledge that she can stand on her feet and do a work/business, she will be the best supportive hand for the economic growth of the country.

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