

DE JURE NEXUS LAW JOURNAL

Author:

Rohan Priyam

Jamia Millia Islamia University.

**WOMEN EMPOWERMENT IN INDIA AND LAWS MADE FOR THE
PROTECTION OF WOMEN IN INDIA**

ABSTRACT- *Women are worshipped as goddesses in the Indian Society yet there are many social evils which plague the culture of this society and make lives terrible for these young girls and women who are equal contributors to the development and progress of the country because of these evil minded people who only see these women as well as young girls only as materialistic objects. **INDIAN PENAL CODE 1860 of India** give some provisions regarding the protection of women and girl child in India but their execution in the country is not up to the mark and hence we are seeing that newspapers and media channels are covered with headlines such as rapes, dowry, murder, chain snatching, acid attacks on women etc. Hence there is uproar of women empowerment in India and after the **NIRBHAYA CASE** this issue has further been sensitized and women empowerment, equality in the gender equality in the country and most importantly ensuring protection for the women has become a need of an hour in order to constitute and ensure stability in the country . The readers will develop more idea and better understanding of the women empowerment in current scenario in India through this article and can have their own views and suggestions regarding this sensitive topic and will like to understand the topic better.*

KEYWORDS- [Women Empowerment, Major issues related to Women in India, Laws made for their Protection]¹

¹ Kabeer, Naila. "Gender Equality and Women's Empowerment: A critical analysis to the third millennium development goal 1 " Gender Development 13.1 (2005)

Rahman, Aminur (2013). "Women's Empowerment: Concept and Beyond" (PDF) from the original on 10 August 2017 Retrieved 11December 2018

Gupta, Kamla; Yesudian, P.Princy (2006) "Evidence of women's empowerment in India: a study of socio-spatial disparities" Geojournal

INTRODUCTION- The term Women Empowerment means to promote women's sense of self-worth, their ability to determine their own choices, and their right to influence social change for themselves and others. In Western countries, female empowerment is often associated with specific phases of the women's rights movement in history and finally to ensure their equality in the society and increase their participation in the field of **medicine, law, engineering, technology, science, arts, commerce, business, astronomy, entrepreneurship, business, economics etc.** India has produced several brilliant minds in various fields of society in the form of the hard working and energetic women who contribute largely and with their full devotion in the progress and development of the country. These hardworking and talented women are- **Indira Gandhi, the first woman Prime Minister of India, Kalpana Chawla the astronaut, Sarojini Naidu the "Nightingale of India" the great poetess and Politician in India, Sushma Swaraj great thinker, orator and politician in India and many more** who have largely contributed in various fields of India and helped in the development and progress of the country. But in recent times, the development and progress related to women in Indian Society has deteriorated because of the short-tempered, ill-minded and corrupt people in the society. Daily Newspapers and News Headlines are filled with rapes, murders, dowry death, and torture against women and atrocities against women etc. Have we ever thought why all these evil yet cruel treatments against women in India are really happening? Aren't we ashamed of our acts that we live in a country where we worship women as goddesses and at the same time we torture them, we do ill-treatment against them, we murder them just because of petty reasons like not giving dowry or we see them as materialistic objects rather than normal human being in the same country? When we find answers to these questions, it will be too late to realize and understand or to know actually what are we doing against them. In the country of goddesses, ill-treatment, rapes, murders, stalking, dowry-deaths against women etc we should rather be ashamed of calling ourselves human beings in real sense. Government is taking several initiatives and welfare schemes (**Beti Bachao Beti Padhao Scheme being the recent one**), **Sarv Shiksha Abhiyan, One Stop Centre Scheme, Women Helpline Scheme, UJJAWALA Scheme etc.** to ensure that women are free from all problems, atrocities, ill-treatment against ill-minded people and most importantly to ensure their equal participation in parallel to men in every fields of the society so as to ensure progress and development in the society and as vigilant and active citizen we have to perform the same duty and ensure the same.

MAJOR PROBLEMS AND STATS RELATED TO WOMEN IN INDIA- Some of the common issues in day to day lives with women in India are dowry, rape, harassment in their house and their job environments, domestic violence, chain-snatching by thieves etc. They also face exclusion and inequality in financial matters in such manner they are not given equal amount of wages for the same amount of work that is done by the men, they are excluded from taking decisions in matters which are related to how to maintain budget for family in their houses or how can they contribute more actively in the financial budget in the society and the matters which are related to the women safety and sanitation facilities available to women in the country, it is really pathetic state and are in a dire state for improvement. Because of unhealthy conditions in the

hospital and inadequate amount of hospital and doctors in the village areas and small towns in the country, there are high numbers of infant mortality rate and hence women die because of unhygienic and inhuman conditions related to sanitation facilities and improper facilities.

The illiteracy among women is the biggest concern among all the sections of the society and hence government is trying its best to improve the problem. Government Welfare Schemes such as **SARV SHIKSHA ABHIYAN, RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (RTE) Act, 2009, NATIONAL ACHIEVEMENT SURVEY (NAS), MINIMUM QUALIFICATION OF TEACHERS (SECTION 23(2) OF THE RTE ACT, BED DEGREE STRUCTURE, QUALITY EDUCATION FOR ALL, EQUALITY IN EDUCATION, INTERNATIONAL EXPOSURE, CULTURAL FESTIVALS, GRADING SYSTEM etc.** are some of the initiatives that have been taken by the Government in order to ensure improvement in the field of education and improve the rate of literacy among women. Even the countries such as Bangladesh, Sri Lanka, Bangladesh, Uzbekistan, Kazakhstan, Nepal etc whose economic conditions and GDP are much lower than India have better fertility rates, less number of mortality rates, have better facilities in their hospitals in regard to provide good hygiene facilities to women and to give them proper care and medical facilities. These are some of the Stats related to women in India-

According to the 2018 Statistics 29.94 deaths/1,000 live births, female life expectancy is 71.2 years according to 2020 Statistics, in terms of Gender Inequality Index 2017 India has Value of 0.524, it has been ranked 127th out of 160, in Maternal Mortality (per 100,000) it is 174, the percentage of women in Parliament it is 14.5%, Females over 25 with secondary education is 39% in comparison to Male which is 63.5%, in terms of Labor Force the percent of women is 27.2% in comparison to males which is about 78.8%. IN GLOBAL GENDER GAP INDEX the value is 0.665 in 2018 and India was ranked 108th out of 153 Countries. In 2011, the sex ratio (number of females per 1000 males) at all India level was 943 and the same for rural and urban areas are 949 and 929 respectively. The sex ratio for 20-19 age group 908 while that of 60 plus age group was 1033. The sex ratio in the economically active age group (15-59 years) was 944.

Sex ratio in the age group 0-6 years has increased in rural from 906 in 2001 to 923 in 2011. However, the ratio has a decline in urban area in the same period. The women's mean age at marriage in 2017 at all India level was 22.1 years and the same in rural and urban areas are 21.7 years and 23.1 years respectively. As per National Sample Survey (July 2011-June

² www.ndtv.com
www.aajtak.com
www.thehindu.com

Chaudhuri, Mitrayee. *Feminism in India (Issues in Contemporary Indian Feminism)* New York; Zed, 2005
Kumar, Radha. *The History of Doing* Archived 10 January 2016 at the Wayback Machine, Kali for Women, New Delhi, 1998

2012) 11.5% households in rural areas and 12.4% households in urban areas are female headed households.

In literacy and education as per the census of 2011, the literacy rate at all India Level was 72.98% and the literacy rate for females and males. As per NSS 75h Round (Jul-June 18), the literacy for persons of age 7 years and above is observed as 73.5 and 87.7 in rural and urban areas respectively. The gender gap in rural areas is 16.5 while this gender gap is 9.4 in urban areas. During 2017-18, the Gross Enrolment Ratio (GER) at Primary Level for females and males are 95.4 and 93.1 respectively.

Preparatory to the International Women's Year in 1975, the Government of India appointed a National Committee on the Status of Women in 1971. The Committee which was appointed by Government of India was entrusted with the responsibility of examining the impact of constitutional, legal and administrative provisions on the status of women since the time of independence in the country. These were some of the shocking reports which were given by the Committee as follows-

- 1. The majority of women still do not enjoy the rights and privileges guaranteed to them by the Constitution**
- 2. A favorable environment does not exist for women to play the multiple roles they are expected to play**
- 3. Increasing incidence of practices like dowry indicates a further lowering of the status of women**
- 4. The concern for women and their problems, which received an impetus during the freedom movement has suffered a decline and**
- 5. Women are generally ignorant of their legal rights.**

Other major problems which are faced by the women in India are unequal representation in the field of religious affairs, unequal share in terms of the property, old reforms which are formed to demean women, being used as objects by the men rather than being respected, malnutrition, inhuman environment created inside the house and because of that she becomes so much frustrated and ill-being that she thinks that there is no other options left to her and hence she thinks the final option available to her is to commit suicide. Women are the only persons in the world who have the power to bear the pain of childbirth and hence the forceful abortion is the major issue among women. Forceful abortion means the in-laws of the women forcefully compels the women to abort her child if they get to know that she is going to give birth to a girl child. The **ULTRASOUND PROCEDURE** for detecting the gender of the person before pregnancy by various hospitals is completely illegal in India and for that **PRE-NATAL DIAGNOSTIC TECHNIQUES OF SEX SELECTION) ACT** was formed in 1994 so as to prevent the detection of the sex or gender of a child in India but still some hospitals are doing the illegal acts related to determination of girl child sex ratio.

LAWS AND ACTS MADE FOR THE PROTECTION OF WOMEN IN INDIA-

SECTION 354- Whoever assaults or uses criminal force to any woman, intending to outrage her or knowing it is to be likely that he will thereby outrage her modesty, [shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.]

SECTION 354.3 OUTRAGING MODESTY OR RAPE- dividing lines between attempt to commit rape and indecent assault is not only thin but also is practically invisible.

SECTION 354.4 PUNISHMENT ENHANCED BY CRIMINAL LAW (AMENDMENT) ACT 2013- By the Criminal Law (Amendment) Act 2013 while no change has been made in the definition of the offence, the punishment for the offence prescribed in this section has been changed by providing a minimum sentence of one year and a maximum sentence of five years.

SECTION 354 A- (1) A man committing any of the following acts-

- (i) Physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) A demand or request for sexual favors; or
- (iii) Showing pornography against the will of a woman; or
- (iv) Making sexually colored remarks.

Shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years or with fine or both³

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.

SECTION 354 B Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment

³Sen, Amartya. "The Many Faces of Gender Inequality" *The New Republic*, 17 September 2001; page 39
Gangoli, Geetanjali *Indian Feminisms- Law, Patriarchies and Violence in India* Archived 1 May 2013 at the Wayback Machine
Bhasin, Kamala and Khan, Nighat Said. "Some Questions on Feminism and Its Relevance in South Asia", *Kali for Women*, New Delhi, 1986
Mukherjee, Sucharitra Sinha, *Women's Empowerment and Gender Bias in the Birth and Survival of Girls in Urban India*, op.cit, p.9

of either description for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

SECTION 354 C- Any man who watches or captures the image of a woman engaging in a private act in circumstances where she would have reasonable expectation of not being observed either by the perpetrator or by any other person at the behest of perpetrator or disseminates such image shall be punished on a first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years and shall also be liable to fine and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years and shall also be liable to fine.

SECTION 354 D- (1) Any man who-

- (i) Follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear disinterest by such woman; or
- (ii) Monitors the use by a woman of the internet, email or any other form of electronic communication,

Commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it proves that-

- (i) It was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or
- (ii) It was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
- (iii) In the particular circumstances such conduct was reasonable and justified

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and shall also be liable to fine; and be punished on a second or subsequent conviction with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

SECTION 376 PUNISHMENT FOR RAPE- (1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which [shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine].

(2) Whoever-

(a) Being a police officer, commits rape-

- (i) Within the limits of the police station to which such police officer is appointed; or

(ii) In the premises of any station house; or

On a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or

(b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or

(c) being a member of the armed forces deployed in area by the Central or a State Government commits rape in such area; or

(d) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or

(e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or

(f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or

(g) commits rape during communal or sectarian violence; or

(h) commits rape on a woman knowing her to be pregnant,

Or

(j) commits rape, on a woman incapable of giving consent; or

(k) being in a position of control or dominance over a woman, commits rape on such woman; or

(l) commits rape on a woman suffering from mental or physical disability; or

(m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or

(n) commits rape repeatedly on the same woman

Shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

SECTION 312 MISCARRIAGE- Whoever voluntarily causes a woman with child to miscarry shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with

imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

SECTION 498A CRUELTY BY HUSBANDS OR RELATIVES OF HUSBAND- Whoever, being the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

- (a) Any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security is on account of failure b her or any person related to her to meet such demand.

SECTION 361- Whoever takes or entices an minor under sixteen years of age if a male, or under [eighteen] years of age if a female, or any person of unsound mind, out of keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Other sections which deal with crimes against women in IPC are – **For Acid Attacks SECTION 326A and 326B, For Rape SECTION 376A, SECTION 376B, SECTION 376C, SECTION 376D and SECTION 376E, Kidnapping and Abduction for different purposes SECTION 363-373, Murder, Dowry Death, Abetment of Suicide etc. SECTIONS 302, 304B and 306, Word, gesture or act intended to insult the modesty of a woman SECTION 509**

LAW JOURNAL

CASE LAWS RELATED TO CRIMES AGAINST WOMEN-

NIRBHAYA RAPE CASE- In this case, the Supreme analyzed all the decisions, where the question of imposing death penalty was discussed. The Supreme Court observed that

The casual manner with which she was treated and devilish manner in which they played with her identity and dignity is humanly inconceivable. It sounds like a story from different world where humanity has been treated with irreverence. Aggravating circumstances outweigh mitigating circumstances.

VISAKHA AND OTHERS V STATE OF RAJASTHAN

Visakha and others v State of Rajasthan was a 1997 Indian Supreme Court case where various women's groups led by Naina Kapur filed Public Interest Litigation (PIL) against the State of Rajasthan and The Central Government of India to enforce the fundamental rights of working

women under Articles 14, 19 and 21 of the Constitution of India. The petition was filed after Bhanwari Devi, a social worker in Rajasthan was brutally gang raped for stopping a child marriage.

RITU KOHLI CASE

Ritu Kohli, a Delhi housewife was shocked when she suddenly started getting obscene calls from people who claimed that she had been talking to them online. Further interrogation revealed that Manish Kathuria, an acquaintance, had hacked into Ritu's identity. He had been passing her phone number to people on porn sites. In the first case of cyber crime in Delhi, Kathuria was arrested under SECTION 509 OF IPC.

CONCLUSION

The conclusion that can be made from all the above discussions is that women empowerment in India is only for the name sake if the laws and provisions which guarantee the protection of women in India are not properly implemented. Women are the torchbearers of the development and progress in India and hence their security and respect in the society are the most important and the prime duty for every citizens of this country because recent cases related to crimes against women are rampantly increasing and in the modern society women play an equal role of contribution of development and progress in the country, hence it is extremely important that women and girl child feels safe, stay safe and most importantly they get all the necessary facilities, proper medical facilities, proper education and equality in terms of economic, social, political, etc growth so that they are self-sufficient and are independent to make their own decisions and hence everyone has a role to play to ensure equality in the society.

REFERENCES

Websites

- . www.empowerwomen.org
- . blog.feedspot.com
- . www.thegoodtrade.com
- . www.forbes.com

Books-

- . The Indian Penal code – By Ratanlal and Dhirajlal
- . Gender and Politics in India: Themes in Politics
- . Experience, Caste and the Everyday Social