

## **WOMEN AND LAWS**

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### **ABSTRACT**

*Women's empowerment in the truest sense of the world is largely the creation of an environment where women can claim and obtain their rightful, equal & open opportunity based status as citizens, where they can take independent decisions in their personal capacities as well as become truly equals in society. In this paper a very simple method is suggested with special reference to "Women & Law" in the field of women empowerment. This paper suggests a new way in the field of law which would help the women to formulate reducing feminised poverty, promoting education & prevention and elimination of violence against women.*

**Keywords:** *Education, empowerment, feminised, poverty, violence*

### **I. INTRODUCTION**

Women's empowerment in India is heavily dependent on many different variables that include geographical location (urban/rural), educational status, social status (caste and class), and age. Policies on women's empowerment exist at the national, state, and local (Panchayat) levels in many sectors, including health, education, economic opportunities, gender-based violence, and political participation. However, there are significant gaps between policy advancements and actual practice at the community level. Inequalities of women have many expressions. They are less educated. In 2011, male literacy was 79.3 per cent and female literacy was 57.9 per cent. The maternal mortality rates are unacceptably high, at over 200 per lakh. So are malnutrition and anaemia rates. Only 10.9 per cent was the percentage of women in the Parliament in 2012 and 29 per cent in labour force. About 2.40 lakh incidents of crimes against women were reported in India in 2012. Those crimes have increased in last decade, though a National Policy for Women is in place since 2001. Such crimes are related to rapes, kidnapping, acid-throwing, abductions, torture, trafficking, child marriages, prostitution, dowry deaths, etc. The presence of women in employment is much below their proportion in the population. They still lack voice, suffer abuse, experience exclusion and have poor access to redressal. Half of India, or nearly so, is largely disempowered or poorly empowered. Gender disparities abound in many arenas—population, education, health, employment, social stereotyping, domestic violence and their safety and security. Her strength did not come from lifting weights. Her strength came from lifting herself up, whenever she was mocked by the society. As the name only WOMEN implies that she has the power of men. A woman and called a man but a man can never be called off a woman. But this male dominating society will never let undertake a woman to lead over it. Woman should not be a kind person, she should be a woman that when her feet hits the floor each morning, the devil says "oh crap she's up". Because today's society really needs to

know what is the importance of woman in our society. The society were 3inch gap between skirt and top is vulgar and 4inch gap in saree is culture. There is a very thin line between feminism and women centric person, but our society is neither of them, it contains the bunch of Hippocrates who will bend towards the part where the are benefitted. For atleast a half century,the presence of woman in social and public life,in specific context to India has been noted even if they have been intermittently and sporadically visible, and insufficiently acknowledged. Over the years Indian woman by dint of their sheer grit determination and hard work, have succeeded in leaving their undeniable mark of victory in almost every field, but our society has left it unnoticed and upraised. In this paper I would like to bent the light towards our society, that how they persuade woman as a gender and consider them just a piece and no appreciation is given in whatsoever they achieve for our nation and society.



## **II. EMPOWERMENT**

Empowerment is now increasingly seen as a process by which the one's without power gain greater control over their lives. This means control over material assets, intellectual resources and ideology. It involves power to, power with and power within. Some define empowerment as a process of awareness and conscientization, of

capacity building leading to greater participation, effective decision-making power and control leading to transformative action.

This involves ability to get what one wants and to influence others on our concerns. With reference to women the power relation that has to be involved includes their lives at multiple levels, family, community, market and the state. Importantly it involves at the psychological level women's ability to assert themselves and this is constructed by the 'gender roles' assigned to her specially in a cultural which resists change like India. One key factor for the gap in implementation of laws and policies<sup>1</sup> to address discrimination, economic disadvantages, and violence against women at the community level is the largely patriarchal structure that governs the community and households in much of India. As such, women and girls have restricted mobility, access to education, access to health facilities, and lower decision-making power, and experience higher rates of violence. Political participation is also hindered at the Panchayat (local governing bodies) level and at the state and national levels, despite existing reservations for women.

The impact of the patriarchal structure can be seen in rural and urban India, although women's empowerment in rural India is much less visible than in urban areas. This is of particular concern, since much of India is rural despite the high rate of urbanization and expansion of cities. Rural women, as opposed to women in urban settings, face inequality at much higher rates, and in all spheres of life. Urban women and, in particular, urban educated women enjoy relatively higher access to economic opportunities, health and education, and experience less domestic violence. Women (both urban and rural) who have some level of education have higher decision-making power in the household and the community. Furthermore, the level of women's education also has a direct implication on maternal mortality rates, and nutrition and health indicators among children.

### **Women in the Legal Profession**



### **III. WOMEN'S RIGHTS**

Policies relating to women's rights have had a positive trajectory in the past few decades with the central government articulating many progressive measures to advance gender equality in social, economic, and political arenas. The Government of India (GoI) has two main bodies to advance gender equality: the Ministry of Women and Child Development and the National Commission for Women, which is an autonomous organization under the Ministry of Women and Child Development.<sup>7</sup> Both bodies work on national- and state-level legal and social policies to advance gender equality. The Ministry has widely implemented local-level

micro-finance schemes to advance economic opportunities for rural women. The National Commission for Women has been instrumental in creating legislative changes, and has set up Complaint and Investigate Cells at the state level. The Grievance Cells receive complaints of gender-based violence and are mandated to investigate, provide referrals and counselling, and ultimately report on such cases.<sup>8</sup> With a vibrant women's rights movement in India, there are continuous demands for better laws, provisions, and accountability for implementation. Most recent examples include the change in India's rape laws, where in 2006 marital rape was recognized. Currently, women's rights activists are demanding better provisions in Sections 375 and 376 of the Indian Penal Code. Since then, there have been multiple challenges by the women's movement leading to small but significant amendments<sup>9</sup>. The 2005 Domestic Violence Act provides protection from violence in the household from not only male perpetrators, but also female perpetrators like mothers-in-law and other female members in extended families. There also have been gains in women's inheritance rights, yet challenges remain in implementation. Social biases and lack of enforcement continue to hinder the full realization of Indian inheritance laws. Inheritance laws and property distribution fall under the Hindu and Muslim personal laws, both of which exempt agricultural land.<sup>10</sup> For a country with a predominantly agro-based economy, women's inability to inherit agricultural land exacerbates feminization of poverty and neglects women's welfare.<sup>11</sup> Like all other spheres of social change in India, there is an undeniable gap between policy and practice. More notably, the deeply entrenched social hierarchies based on class, caste, ethnic, and communal divisions leave many communities on the margins with little knowledge of their rights and even less protection from local, state, and national governmental policies. Inequality between men and women runs across the board, including in education, economic opportunities, representation in governance, and other state and private institutions





Additionally, women in India face high rates of violence. Some recent statistics on women include: • India ranks 18th among the highest maternal mortality rates in the world with 540 deaths for every 100,000 births<sup>12</sup> • Only 48% of adult Indian women are literate<sup>13</sup> • Among rural women, 36.1% have experienced physical violence in their adult lives<sup>14</sup> • 66% of women who have experienced physical violence in their lifetimes are divorced, widowed, or deserted<sup>15</sup> • Lower caste and tribal women are among those who experience the highest levels of physical violence • 85.3% of women reporting violence claimed that their current husbands were the perpetrators<sup>16</sup> • According to the most recent Demographic and Health Survey analysis, only 43% of currently married women (between ages 15-49) are employed as compared to 99% of men<sup>17</sup>

**Women's Security** The multiple forms of violence experienced in the household, at the community level, and in some instances by the state, threaten women's security in India. In many parts of North India son preference is a widely practiced phenomenon. Son preference has direct linkages to sex-selective abortion (illegal across India; however, enforcement by both police and some doctors is still lacking), and discrimination of girl children in access to health, nutrition, and education. Research conducted by the International Centre for Research on Women (ICRW) found that, although not universal, particularly in households where there is more than one daughter there are significant differences in nutrition and health levels between male and female children. <sup>18</sup> Additionally, at the household level, incest, rape and domestic violence continue to hinder women's development across India. Forty percent of all sexual abuse cases in India are incest, and 94% of the incest cases had a known member of the household as the perpetrator.<sup>19</sup> Dowry related deaths, domestic violence, gang rape of lower caste women by upper caste men, and physical violence by the police towards tribal women all contribute to women's insecurity in India. The class and caste structure inadvertently put poor women from lower class and tribal communities at the most risk of violence. Class and caste divisions also create grave challenges to poor, lower caste, and tribal women in accessing justice and retribution as victims and survivors of violence. Women and girls in urban India are also at high risk of gender-based violence. In Delhi, the country's capital, a scan of daily newspapers reveals shocking numbers of cases of violence against women. The National Crime Bureau claims that a woman is raped every 29 minutes in Delhi. Street violence in urban centres is a growing concern for young women and girls, who are increasingly moving away from rural areas for economic opportunities and higher education. Particularly women and girls from the northeast region of India living in urban centres such as Delhi have reported experiencing social discrimination and marginalization, and many times physical violence. In 2005, according to the North East Support Centre, among the 100,000 people from the northeast living in Delhi 86% had reported racial discrimination and 41% of cases were sexual abuse cases.<sup>20</sup> The northeast states of India are a volatile region, with a number of active insurgencies. The GoI has continuously deployed state troops to fight the insurgents, who predominantly follow the Maoist ideology. This region, because of its physical and cultural proximity to Myanmar, China, and Bhutan, has for the most part been ignored by the central government, thereby fuelling the insurgents' demand for development and autonomy. In the northeast (as in most conflict-ridden regions) women bear the brunt of war from both sides. There have been numerous instances of violence perpetrated by state security forces against local and tribal women.<sup>21</sup>

#### **IV. TRAFFICKING OF WOMEN AND GIRLS**

India is both a source and destination for trafficked women and girls into prostitution and bonded labour. While exact numbers of trafficked women and girls are difficult to ascertain, there have been figures projected by various national and international NGOs.<sup>22</sup> Anti-trafficking measures in India have increased with India's commitment to international human rights protocols, and through strict legal provisions at the national level. The Immoral Traffic Prevention Act 1956 (ITPA) is the widely used law to prosecute traffickers, but also is invoked to target prostitution. Sex work is a debated subject in the women's movement in India. The anti-prostitution law is seen by many to criminalize and further marginalize women who are in the sex trade. Women's rights organizations, activists, and organizations such as the Durbar Mahila Samanway Committee<sup>23</sup> (a nationwide sex workers' collective) have long supported legalization of the sex trade in India. The debate over legalization of sex work continues today and sex-work supporters are lobbying to change the ITPA for better rehabilitation measures for those who have been rescued during brothel and street raids. The ITPA also does not give adequate measures for those who are trafficked for purposes other than sex work<sup>24</sup>, and disproportionately targets women, making them further vulnerable to poverty and exploitation.

#### **V. INNOVATION & WOMEN**

Harnessing the power of innovation to transform the lives of women in the developing world is an idea whose time has come. Never before has the world experienced such dynamic change in technologies, economies and societies as it is today. Innovation through new ideas, products and practices increasingly is seen as a force for social change. At the same time, there is growing consensus that empowering the millions of women who live in poverty is essential both for their intrinsic human rights and broad benefits for global development and economic growth. An increasingly wide range of institutions from business, civil society and government have committed resources, rhetoric and political capital to promote women's empowerment. While this goal has been a challenge to realize in the past, the current convergence of commitment and shifting paradigms provides an unprecedented opportunity to form a new alliance and unleash innovation to achieve women's empowerment and gender equality goals, which have proved difficult to realize.

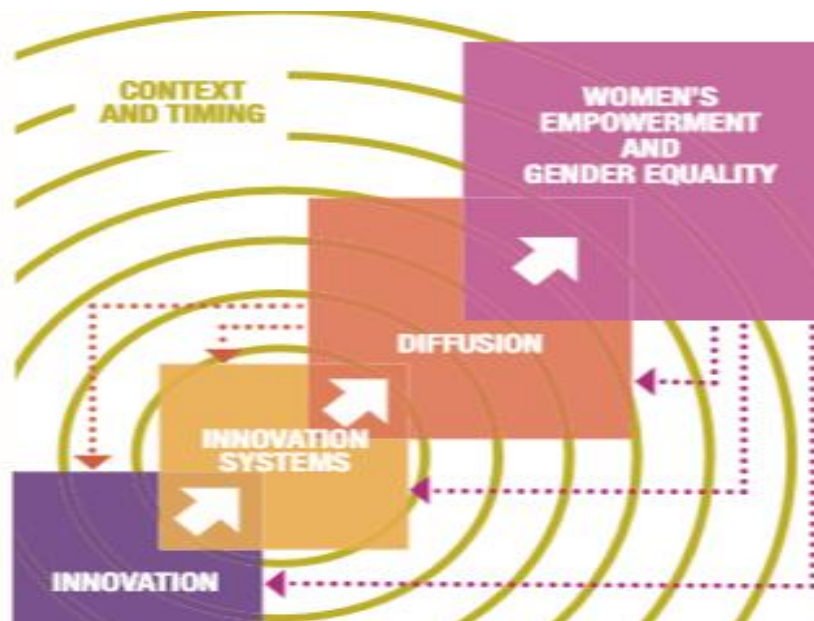
As new players enter the global development domain with different approaches, perspectives, solutions, products and services that may not hold women's empowerment as an explicit objective, gender transformative effects of innovation none the less emerge. For example, improvements in water, sanitation, energy and transportation infrastructure, or changes in access to information and communication, agricultural and medical technologies have precipitated shifts in gender relations. Virtuous circles of change can be sparked by women's use of a seemingly simple technology; a shift in social attitudes about what is possible for women; or increased access for women to employment opportunities, savings and credit.

Innovation and women's empowerment are rarely discussed within the same context but each has essential value for human progress. There is significant evidence that progress on poverty reduction and human development are related to advancements in both innovative capacities and gender equality. Both innovation and gender

equality underpin all of the Millennium Development Goals(MDGs). Both innovation and women's empowerment require thinking "outside the box" and acting beyond existing, predefined parameters and traditional interventions. Essentially, both endeavors require breaking the mold.

## **VI. INNOVATION**

Recent developments in innovation thinking increasingly emphasize the opportunities that innovations can bring about to address development issues and spur wider social change. These concepts of innovation focus on advancing social and economic progress, as well as addressing the needs of the underserved and engaging them directly in innovation processes. Our definition of innovation aligns largely with the emerging concept of "social innovation," emphasizing not only progress and social change, but also social justice as an important element. Phillips, Deiglmeier and Miller (2008) define social innovation as "a novel solution to a social problem that is more effective, efficient and sustainable, or just than existing solutions and for which the value accrues primarily to society as a whole rather than private individuals." Our definition of social innovation balances the need for value accruing directly to women for their greater well-being and empowerment, with an understanding that smart investments in women as development actors also can support the flow of benefits to households, communities and wider development processes.



## **VII. INNOVATION SYSTEMS**

Innovation systems are defined by the relationships between all of the actors, ideas and processes needed for innovations to be created, adopted and diffused. Newer definitions of innovation systems acknowledge that bringing diverse actors together challenges the boundaries of knowledge, disciplines and sectors in ways that can champion innovative practices. There are two key aspects of innovation systems that are essential for assessing the impact of innovation on women's empowerment and gender relations:

- (1) the actors in the innovation system, and
- (2) the role of women in creating, adapting and diffusing the innovation.

## **IX. DIFFUSION**

Diffusion focuses on how and why innovations take off and spread. Three aspects of the diffusion process are key to whether an innovation reaches and benefits women.

First, how compelling is an innovation for women's needs and interests? The innovation's appeal and value often is manifested in what Gladwell (2002) calls the "stickiness" factor. Second, how quickly and widely an innovation spreads is often defined by the steepness of an "S-shaped" curve, in which adoption initially spreads slowly and then rapidly takes off when a "tipping point" is reached (Gladwell 2002, Rogers 1995). Third, successful diffusion is shaped by how easily adoption flows from pioneers—early adopters who generally hold power and other advantages—to a broader base of poorer, more disadvantaged women. The typical diffusion pattern illustrates why women, who tend to have less money, power, education and influence compared to men, are often late to adopt innovations or are excluded from the diffusion process all together. The media, laws or regulations, social or economic networks, social movements, and organizational changes become critical channels to facilitate the transfer of innovations from the early adopters to less advantaged later adopters.

## **X. WOMEN'S EMPOWERMENT AND GENDER EQUALITY**

Women's empowerment is defined as "women's ability to make strategic life choices where that ability had been previously denied them" (Kabeer 1999). As we articulate it, empowerment is midway in the change processes that benefit women at individual, household, community and broader levels. At the most basic level, innovations can benefit women simply by improving their well-being in terms of health, nutrition, income, lifespan, etc. (Figure 2). Beyond vital improvements in well-being, changes can result in women's empowerment, where women gain agency and resources to make decisions, build confidence and act in their own interests. Deeper and truly transformative changes reshape societal norms, attitudes and institutional practices. Greater gender equality in markets, political institutions, family systems and social roles provide an ongoing foundation for sustaining women's well-being and empowerment.



**figure 2 : FROM WELL-BEING TO EMPOWERMENT TO GENDER EQUALITY**



**XI. METHODS TO EMPOWER WOMEN IN ALL FIELDS:**

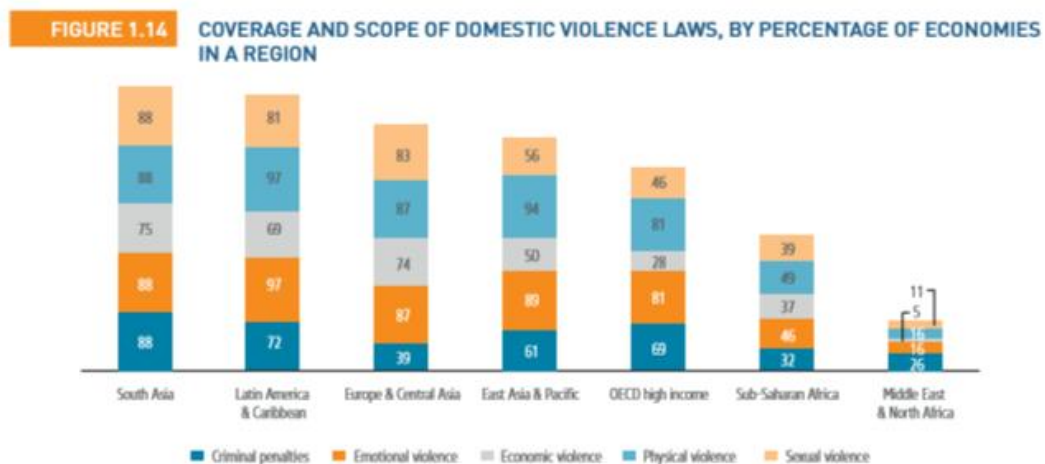
1. Women must get equal rights as men have in the present scenario.
2. Women must have equal % of job opportunities in private as well as in government sector.

The main problem comes when we move on towards various levels of court. In the present scenario women do not get equal rights and mostly there are still cases in the various levels of court which are stuck and no conclusion have been made in them. For this, we have a suggested a method by which we can proceed one step forward in terms of making decisions in court. In this basically, we would make a provision that every women citizen of India will have to give a duty at the level court for a week. This theme is discussed below:

**Role of women’s in courts:**

In this basically we would include women in decision makings. For this, every women citizen will be called to the near court or panchayat for hearings for one week in two months. In this, the cases proceeding in the court for any discrimination against women, rape, sexual or mental harassment or bullying, etc. will be discussed between a group of women’s in a closed room at the court where there will be a meeting for a day and final decisions will be made by them (the women’s). Moreover their names will not be disclosed to anyone. And everything related to the case along with the witness n proofs will be send to the women’s home one week before the hearing or meeting at the court. This is done so as the women get enough time to read and understand the cases and can help in fair decision making. And at last the final decision taken by the group of women’s will be compared to the judge judgements. If both are same then the decision will be finalized by the court in the next hearing. And if there is slight or major change in the both of the judgements then the level court will look out the evidences and proofs for the decision given by the group of women’s.

By doing so, women can indirectly participate in decision makings and this would help the level court to finalise their judgements earlier and fair enough. By this we are not only empowering women but also we are involving women in decision makings.



## **XII. CONCLUSION**

Lastly I had wanted to speak about the importance for women educators to consider our own needs and set our limits in such a way that we are not always overstretched, but to do that I would stretch my own limits! So I will end saying that when we think of women, power and empowerment we cannot afford to ignore ourselves and the model we are offering the women we work with. In all these sites of women's education I have been exploring I would argue that we need to assess critically the detailed practice of both our literacy teaching and our teacher training. We need to reassess how to acknowledge and work with women's experience of violence within the field of literacy teaching. We must consider the value of all of this work in enabling us to envision and move towards a changed, egalitarian society.

Training to prepare educational programmes for women's empowerment needs to integrate the four components: gender issues, work oriented activities, literacy and numeracy skills and principles of curriculum design. It is yet too early to discuss the impact of this training programme which could only be assessed in terms of how it influences changes at the national level. What is certain is that the seed of education for learners' empowerment has been sown. Clearly, many problem areas arise. Better understanding of these issues will help improve the effectiveness of the programme which will ultimately help promote women learners as "empowered" members of their society.

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