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LEGISLATIVE FRAMEWORK FOR WOMEN EMPOWERMENT IN INDIA

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"We don't Women Empowerment doesn't mean that a woman becomes more and more like a man, Women Empowerment means that you become more and more of the women." — Rajneesh Osho

ABSTRACT
Women's empowerment is a global issue that has received attention in recent decades, since women's social and economic well-being is vital to the success of any community or nation. Women's empowerment is about establishing an environment in which women have the authority to make their own decisions. Women's Empowerment ensures that women have equal rights and gives them the courage to assert them. It also ensures that women may live their lives freely, with dignity and respect. Women's empowerment guarantees women equal access to education and employment possibilities, free of gender bias. It also entails providing a safe and comfortable workplace for women. The first step towards women's empowerment is to educate them. Education will increase women's self-confidence and help them find jobs. Education, in particular, empowers women to make health-promoting choices for themselves and their children. Education will also increase women's awareness of their human rights, as well as their confidence and ability to exercise them. Despite significant progress in recent years, literacy is not universally accessible, and gender inequities remain. Women account for half of the Indian population. In modern India, in addition to the correction of international treaties, provisions in the Constitution and various legislative Acts have been developed to ensure women's empowerment. Women's responsibilities have altered in various ways, such as engagement in the development process and the emergence of self-help groups, which is vital for sustainable growth in which women play a direct and distinctive role.
KEY WORDS; *Women, Women Empowerment, Inequality, Justice, Legislations, Feminism*

INTRODUCTIONS

Women's empowerment in India is the most powerful instrument for growth, as women across the country are now effectively leading by example and outperforming men in all aspects of life. While the entire world holds its breath and begs for an incredible respite via the corona virus pandemic every day, it is the women who are leading representatives, and the nations led by these incredible individuals, who are taking charge and leading the way in the fight wherever it is needed.

Women's empowerment in India is largely determined by several factors, including the country's geography (metropolitan or rural), social position (class and rank), educational achievement, and age. There are programs to empower women at the state, local (Panchayat), and municipal levels. However, women confront exclusion in a variety of categories, including education, economic possibilities, health and medical support, and political partnership, revealing that there are significant gaps between policy advances and real localized action.

The rapid development in the legal world over the last few years is neither an accident or an anomaly. According to all accounts, it is the outcome of certain, discernible patterns. In any case, more people are aware of the humiliation that women have faced in the past. Third, the legal attitude to women's concerns has often been moderate and liberal. Furthermore, the Law Commission of India, whose commitments on the subject are exceedingly long-lasting, has made a considerable contribution to women's freedoms and positions in certain of their aspects. India has not achieved perfect progress in terms of women's opportunities, even if the framework that the country has accepted for growth may not be entirely different from the framework that it has been expecting elsewhere. Indeed, societal shifts have occurred here as well, requiring alterations to our beliefs and customs.

The Indian Constitution affirms women's right to equality and empowers the state to implement policies that support the establishment of a foundation of equality for women and children. Following the adoption of the Constitution, various laws were enacted to outlaw gender discrimination both at home and in public. True empowerment for women will not occur until sex-based discrimination is eliminated and they are given the same opportunities and rights as men.

LEGISLATIVE EFFORTS FOR WOMEN EMPOWEMENT

It can be divided into two spheres i.e. prior to independence and after independence.

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The exceptionally earliest instances of guidelines for ladies were Guideline No. III of 1804 and Suggestion No. XXI of 1795, which pronounced baby murder to be unlawful.

In this way, the "Bengal Sati Guideline XVII of 1829" pronounced that widows' demonstrations of sati, or self-immolation, were unlawful and ought to be arraigned in culprit courts as chargeable manslaughter.

Sati, the demonstration of a women self-immolating or showing good cause by setting her soul mate's carcass ablaze, was the clearest unfair custom predominant in India during the English rule. To try not to irritate Hindu subjects, the English East India Association allowed sati despite the fact that they believed it to be a disrupting and thorough discipline. The discussion over sati started in 1813 when the East English India structure, after strain from intense gatherings in Britain, authorized the training in light of the fact that the widow had acted unshakably. This regulation ignited serious discussion on the two sides of sati in the two India and Britain. English evangelists, alongside sati's Indian partners and rivals, scanned Hindu standard sections for help for their contradicting perspectives. Impacted by the utilitarian way of thinking, which tried to expand benefits for the best number of individuals through guideline, and energized by help from Indians like Crush Mohan Roy, in 1829, Expert William Bentinck, who filled in as the Association's main delegate general in India from 1828 until 1835, gave a declaration reviling sati. The 1830s saw a ton of discussion due to the sati occasions that proceeded. It was hard to uphold the boycott in a setting where most of passings were brought about by consuming inside the primary hour of their demises and English specialists were scattered far.

PRE INDEPENDENCE-EFFORTS FOR WOMEN EMPOWERMENT

1. WIDOW REMARRIAGE ACT, 1856

The English system witnessed the enactment of the Widowed Remarriage Act of 1856, a measure pushed by women. Ishwar Chandra Vidyasagar dedicated his life to alleviating the lives of Hindu widows and encouraging remarriage. In contemporary India, progressives and activists staged large-scale rallies against widows' harsh living circumstances and the legalization of remarriage for widows. In modern India, there is a rising awareness of widows' suffering and the deplorable conditions under which they live. A lot of stern and social reformers urged for widow remarriage to be permitted and cried out that their circumstances will improve. They then proceeded to request that regulations be passed by the English enabling Hindu widows to get married again. Ishwar Chandra obtained slightly over 1,000 points to support this interest and submitted this petition to the Indian Administration Committee. The Gathering received a lot of feedback both in favor of and against this move, but in the end, the participants decided to support the "illuminated minority". In 1856, the Hindu Widow Remarriage Act was enacted.

Laxmi Devi conducted a sample assessment of 805 Hindu women between 1945 and 1947. 111 of these were widows, and their average age was 22. Only two had moved on. Again, 51 widowed with a mean age of 26 years were included in the most recent case study of middle-class women conducted in 1965–1966. One got married again[1].

Thus, British liberal socio-religious reform was postponed for more than three decades. During this time, the East India Company's Hindu Widow's Remarrying Act of 1856 and the crown's modest Age of Permission Act of 1891 were both in force. The Act merely increased the age at which "agreeing" Indian brides might be raped from 10 to 12 years old.

2. THE AGE OF CONSENT ACT, 1891

The Age of Consent Act of 1891 extended the ten-year assent term for culmination to twelve years in English India. Although the issue of such a legislation was resurrected in 1880 by the young lady of the time, Rukhmabai, in a Bombay high court, the death of eleven-year-old Phulomnee in 1889 as a result of sexual assault by her child spouse prompted British involvement.The Act passed in 1891. Hindu nationalists like as Bal Gangadhar Tilak opposed it, whilst progressives such as Behramji Malabari and women's social clubs backed it. It is argued that the actual impact of the legislation was the reassertion of Hindu man-centered authority over family matters for nationalistic reasons, even if it was rarely truly implemented.

Remarrying a Hindu widow was often forbidden in earlier Indian society. Hindu widows' remarriage and legacy became lawful with the passage of the Hindu Widow Remarriage Act in 1856.

3. MARRIED WOMEN'S PROPERTY ACT 1874

The Married Women's Property Act was enacted in 1874, in part to protect economic independence. It said that a married woman's salaries and earnings, as well as any property she may have acquired independently through the use of her abilities or talents, savings, and investments, were all considered her independent property. The Act also permits a married woman to sue for her own property

[1] Laxmi Devi, Crime Atrocities and Violence against women and related laws and justice 45 (Anmol Publications Pvt. Ltd.,New Delhi,1st edn., 1998).

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in her own name. When we consider how common it was for families to own joint property back then, we can fully understand the significance of this Act. If the husband was insured, it created a natural trust for the assureds' wife and children.

4. THE CHILD MARRIAGE RESTRAINT ACT, 1929

Social reformers and women alike showed strong resistance to underage marriage. The Child Marriage Restriction Act was passed in 1929 and amended in 1938 in response to public demand. It was known as the Sarda Act to some. The first fallacy about this Act circulated was that it exclusively pertained to Hindus. However, it holds true for all communities. This minor deed comes at a cost, yet the marriage suffers permanent damage. Child marriage has long been a prevalent occurrence. However, the Act was never put into action in India during the British colonial period.[2]

POST INDEPENENCE EFFORTS FOR WOMEN EMPOWERMENT

Proposals for laws intended at enabling women to resist crimes and gender-based massacres after independence:
The term "crime against women" refers to crimes that especially target women, even if any act, such as "murder," "robbery," "cheating," and so on, can happen to them. Numerous laws protect women. While various laws exist to protect women from different sorts of specialized offenses, the Bharatiya Nyaya Sanhita, 2023 offers the maximum protection against crimes against women. BNS outlines a variety of offenses against women, as well as the consequences for each. Some notable laws that effect women include the Immoral Traffic (Prevention) Act, BNSS, and the Juvenile Act.

1. Bharatiya Nyaya Sanhita, 2023

The Indian Criminal Code is a reformatory statute that includes numerous notable clauses addressing offenses against women and their right to privacy. These arrangements are governed by Sections 296 (obscene acts and songs), 80 (dowry death), 88-94 (induction of unsuccessful labors, injuries to unborn children, and the disclosure of newborn children during birth concealment), and 127 (2) (illegitimate confinement). such as stealing from legitimate guardianship, getting a juvenile female, transporting a young woman into another nation, selling a child with the goal of converting them into a prostitute, and buying a minor with the intention of turning them into a prostitute.
Offenses include living together after a man deceitfully induces a conviction of a lawful marriage, remarrying while the spouse or wife is still alive, deceitfully performing a wedding ceremony without a lawful marriage, adultery, and luring or removing a married woman with unlawful intent. Finally, and maybe most crucially, section 85 discusses the husband's family members' or spouse's lack of regret. We are pleased with human development and our legacy. However, the sheer volume of examples leads us to recognize that we are a country of brutes.

Section 354 of ancient legislation specifies how to assault or use criminal authority on a lady in order to scare her into being less obtrusive. The individual who does so with the goal of stunning the woman, knowing full well that he would most likely shock her humility as a consequence, may face penalty that could include up to two years in jail, a fine, or both, according to Roopan. Bajaj Deol Vs. KPS Gill[3].
Rape (Segment 63), with a life penalty, is the most heinous violation against women specified in the Sanhita. There are five ways in which a sexual encounter might turn violent. Initially, we assumed that the woman had not agreed to the sexual activity. Second, in if it was done without her permission. Third, in the uncommon situation that the woman's permission was secured by instilling fear that she would die or be harmed. Fourth, even though she admits he isn't her genuine love, she still accepts him since she sees him as her more loving half. Fifth, whether or not the girl grants consent, when she is under sixteen.

On the other hand, with the 1986 change to the Settlement Act, another arrangement, such as share passing, was added to the IPC as Area 304B. According to Kaliya Perumal v. Province of Tamilnadu, Part 304 B states that: If a woman dies from a major illness or injury, or if, under normal circumstances, within roughly seven years of her marriage, and it can be demonstrated that, just prior to her death, she was subjected to remorse or provocation by her spouse or any relative of her spouse for, or about, any interest for settlement, such a death will be classified as a "share demise" and such a spouse or relative.[4]

Furthermore, dowry death convictions can result in a maximum sentence of seven years in jail or life in prison.
Abduction, slavery, and abduction are some of the activities that target women. According to the BNS, a person is judged to have abducted a minor (a person less than sixteen or a girl under 18) or a mentally unstable from their lawful guardian if they do so without the guardian's agreement.[5]

[2] Forbes, H Geraldin., *Women in Modern India* (Cambridge University Press, Cambridge,1st Edn.,1998).

[3] 1995 (6) SCC 194.
[4] AIR 2003 SC 3828.
[5] Bharatiya Nyaya Sanhita, s. 137(1)(b).

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2. Bharatiya Nagarik Suraksha Sanhita 2023

The Bharatiya Nagarik Suraksha Sanhita also makes various safeguards for women's protection. Section 180 protects women from unnecessary police harassment. A police officer may summon a guy to the station to interrogate him or acquire information while conducting an investigation. A woman or man under the age of fifteen is not necessary to visit the police station. The police officer must go to the girl's or boy's residence. Another female without much regard when picking decency shall execute the search" when a lady passes through by a police officer."[6]

A court chaired by a woman will examine any case pertaining to any of the following sections of the BNS 2023: 64, 65(1), 65(2), 66, 67, 68, 69, 70, 70(1), 70(2).[7]

Police must obtain the magistrate's prior consent before executing an arrest of a woman after dusk and before dawn, and a female police officer should be notified.[8]

3. Bharatiya Sakshya Adhiniyam, 2023

According to Section 120 of the BSA 2023, in circumstances of institutional rape, rape by a group, and rape of a pregnant woman, the burden of proof shifts to the accused if the victim argues in court that she did not agree. This was a big change in the law.

Furthermore, in 1986, the Dowry Act was incorporated into the amendment of Sections 113A and 113B of the Indian Evidence Act, which address dowry death.

SUGESSTIONS FOR EMPOWERIING WOMEN

Government takes a lot of efforts for empowering women at all sphere of life, but at the ground level we should Suo moto take more efforts. If we do not take the effort to empower women in our own families, how can we empower women at the national level? we discuss here some points for empowering women;

First and first, in order to empower women, we must give them with basic knowledge so that they are aware of their rights. Because education is the only weapon, we can use to make her aware of her fundamental rights. Dr Bhim Rao Ambedkar once said, "Shiksha hi Adhikaro ki Jananni hai," and our Indian constitution, under Article 21A, mentions the right to education. Every human being has the right to receive a basic education and stand on their own feet in order to strengthen themselves. So, provide them basic education first and then they will shine like a star in open sky.

Second, in order to empower women, they must be aware of any laws that may protect them against harsh actions or experiences in society. If they feel protected from this side, they will develop like a bamboo tree and reach her objective or ambition in life. Everyone wants to feel protected, so that they freely strive for their own growth.

Thirdly, Most Indian households are medium or lower class. If women are given authority, they are more likely to assist their families improve their level of living. Educated women can earn greater earnings, and fiscally empowered women can better educate their children, ending the poverty cycle. India is becoming the world's fastest expanding economy. However, it still has a long way to go. Women's empowerment has the potential to significantly enhance the national economy. According to study, boosting the proportion of women finishing secondary education by only 1 percent may boost a country's economic development by 0.3 percent.

CONCLUSION

Women's empowerment is more than simply a notion or a national goal; it is essential to the nation, just as humans require air to exist. My goal in writing this paper is to show that while women's positions in society were not favourable at the time, people today consider their daughters' future. So, we should constantly respect our mother, sister, and daughter for their presence in our lives, as well as the job they perform for us. Women's empowerment not only benefits nations, but also improves our family situations.
This document seeks the attention of the government to implement more policies for women's empowerment, to boost national pride, and to provide more opportunities for women to live the way they wish to live.
"A woman is like a tea bag — you can't tell how strong she is until you put her in hot water." — *Eleanor Roosevelt*

[6] Bharatiya Nagarik Suraksha Sanhita 2023. s. 53

[7] Bharatiya Nagarik Suraksha Sanhita 2023. s. 32

[8] Bharatiya Nagarik Suraksha Sanhita 2023. s. 49

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