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# Constitutional and Legal Framework of Women Empowerment in India

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## ABSTRACT

Our Constitution as ultimate law of territory and sufficient of legislations tried to reorganize their surroundings and supply assistance for security and their upliftments. The study is an attempt to review and fall out that there is complete constitutional and other legal arrangement to deal with issues of women empowerment. However, this research paper is limited to some legal provisions and interpretations of Indian Courts only. The jurisprudence of industrialization has confirmed the very important roles as tool of social justice. *Equal Remuneration Act 1976* passed with the aim of equal pay for equal work both man and woman and contained that there will be no intolerance against employment of woman and promotes chance to them. *Maternity Benefit Act 1961* provides protection to women workers maternity leave, extra leave for child infancy sufficient awareness to their security and strength of woman during pregnancy and

lactation. *Factories Act 1948* makes comprehensive requirements concerning health, safety and welfare of employment of women. Sec.25 of *Beedi and Cigar Workers (Condition and Employment) Act 1966* laid down no woman shall be obligatory to manufacturing premises except between 6 a.m. and 7 a.m. and to make sure for safety of woman.

#### KEYWORDS

*Women Empowerment, Constitutional Provision*

## 1 INTRODUCTION

Women inhabitants is less in assessment to man and gender disparity and dissimilarity continue in every selection of shared institution. It is the cruel certainty that in India women are physically abused and measured as an object of sexual happiness for men. Our Constitution as ultimate law of territory and sufficient of legislations tried to reorganize their surroundings and supply assistance for security and their upliftment. The study is an attempt to review and fall out that there is complete constitutional and other legal arrangement to deal with issues of women empowerment. However, paper is limited to legal provisions and interpretations of Indian Courts. Necessary steps are being made from time to time to get better the status of women with common and detailed laws.

However, the difficulty regarding empowerment of women begets out of essential law of the nation and influence consequent therein. One of the objectives of the Indian Constitution is to reach a society of generation; where men and women delight each other on an equal balance; where people of dissimilar regions, castes and religions exist together. To make more efficient this Indian government has approved various legislations to get rid of the immorality practices existed in the humanity (Rao, 2004).

The Constitution of India focuses at creating permissible guidelines, social attitude and economic principles which are to be precious by outstanding

amalgamation, agreement and essential adjustment between personality rights and social welfare to accomplish the public goals. The Preamble of the constitution contains the essence and reflects the principles of equal opportunity and prohibits difficult to deal with prejudice between genders. Thereby Indian lawful arrangement provided different legislations which have positive provisions for equivalent opportunities of women and ban on discriminations against women or sex.

## 2 METHOD

The study uses comparative legal research, which is analyse some provision on India's Constitution concerning to Women Protection and its practices.

## 3 RESULT AND DISCUSSION

### A. Constitutional Provisions

Art.14 of Constitution of India entails the perception of equal opportunity and prohibits irrational discriminations between people. In *C.B.Mutthamma vs. Union of India* Case the Supreme Court of India challenged the validity of *Indian Foreign Service (Conduct and discipline)* Act to dogmatize and universalize man and woman in all occupations and situations and to keep out the requirement to realistic for employment of sensitiveness of sex cannot be handicapped but rule of law applied where to put aside separation.

Further, Article 14 of the Constitution provides it deny to any person equality before the Law or equal protection of the laws within the territory of India'. Equality before the law and equal protection of law are two expressions which is applicable to the status of women. No doubt in the universal declaration of Human Rights provides Article 7 of the Universal Declaration of Human Rights says-"All are equal before the law and are entitled without any discrimination to equal protection of law.

Art.15 (3) lifts that harshness and permits the state to absolutely distinguish in favor of women to create particular provisions to improve their communal environment in Indian society. Gender equality is one of the fundamental ideologies of our constitution. Art. 21 covers to guard the women's right to survive with self-respect and own freedom in *Bodhiswatta Gautama vs. Subhra Chakraborty* Hon'ble Justice Saghir Ahmed pioneered an entirely original and ground-breaking idea and ruled out that rape is not only an offence under Indian Penal Code 1860, it is a infringement of women's self-respect and individual autonomy.

Article 16 of the Constitution provides for equal chance for all the citizens on focus of group of people service including women. Article 16(2) further laid down that no inhabitant shall on basis of sex, religion, race, caste, colour, place of birth, abode or any of them be not entitled for or discriminated next to in admiration of, any employment or place of work under the State. In *Air Indira v. Nagesh Mirza* the petitioner challenged the validity of service rules under which they could retire at the age 35 years or on the first pregnancy. Under Article 14, 15 and 16 of the Indian Constitution by the Court held that the provision of the service rules is discriminatory and violation.

Human traffic for beggars and other similar forms of forced labour i.e., selling and buying of men and women like animals, immoral traffic of women and children, slavery, forced labour, bonded labour for the prohibition of Article 23 of the Indian constitution.

In *Deena v. Union of India*, it was held that the prisoners are entitled to payment of reasonable wages for their work. For example without paying proper remuneration labour taken from prisoners, therefore it was declared forced labour.

Men and Women have equally the right to an adequately means of livelihood. On the other hand, it provides equal pay for equal work for both men and wome has been declared to be a fundamental right in *Randhir Singh v. Union of India*. Article 39(e) says that the health and power of workers, men and women and the affectionate age of the children are not ill-treated and the people are not forced by financial necessity to enter suggestion unsuitable to their age or strength. In *State of Maharashtra v. Madhulkar Narain*, the court held the right to isolation accessible even to women of easy good value. No one can attack the right to retreat available to her. In this case a police inspector visited the residence of one Banubai and demanded for sexual intercourse. But she denied doing so. After refusing he tried to have her under protest. She raised a shade and weep. In hearing he told the Court that she was a lady of easy good worth and therefore her confirmation was not dependable. But the Court discarded the protection of applicant and held him legally responsible for violating her right to isolation which is provided her under Article 21 of the constitution.

In *Gaurav Jain vs. Union of India* the Supreme Court highlighted the plights and painful circumstances of prostitutes and issued prohibitory actions in relation to these matters. Fundamental Rights (Part III) provide to person rights while Directive Principles of State Policies (Part IV) supply to communal needs.

Art.42 incorporates a significant condition for settlement of woman. Art.44 has objectives to make easy widespread/homogeneous universal code as most of the

troubles arisen on account of non-registration of marriages and other unprincipled husbands reject marriage by leaving spouses in hang about. The benefits of consistent national code are: 1) to prevent child marriage 2) to check bigamy and polygamy 3) to help woman in exercising right to safeguard and supervision of children 4) allow widows to maintain legacy.

In a judgment of *Vishaka v. State of Rajasthan*, the Supreme Court has laid down comprehensive guiding principle to stop sexual harassment of working women. Article 42 of the Constitution provides that the condition to make prerequisite for securing immediately and individual conditions of employment at the place of service and for the maternity relief. The provision of Article 15(1) is not violative. In *Dattatreya v. State*, Bombay High Court laid down that the State can set up educational institutions for women only. Article 51(A) (e) of the Constitution specifies a basic duty on every people of India for the give up the put into practice offensive to the self-respect of women. Under the Indian constitution, Article 243(D) and Article 243(T) the provision of reservation of seats in panchayats and other Municipal Bodies in favour of women.

## **B. Women under Indian personal laws of India**

In India, marriage is a well-accepted organization and its principles are extremely soaring without respective multi-religious communities. In *T.Sareetha vs.T.Venkat Subbhaih* the Hon'ble court detained that under Hindu Law, Sec.9 of Hindu Marriage Act 1955 is violative of precise to privacy and human self-respect. However, it has overruled and Sec.9 affords a remedy to the aggrieved husband and wife against deserting spouse. Adultery as position for divorce u/s.13 (1) (i) of 1955 Act as if any supplementary spouse devoted the act. In *Yusuf Abdul Aziz v. State of Bombay* the validity of Sec.497 of *Indian Penal Code 1860* challenged as exhausting only male contributor as violative of Art.14 and Aet.15(1) of Constitution But the court mandated understandable only Art. 15(3) and uphold arrangement was on exclusively based on sex only.

Afterward in *Sowmithri Vishnu vs. Union of India* the court observed that there is difference between married woman, unmarried woman, divorcee and a widow and in this case the man had illegal relation with married woman which has form of offence. The amendment and changes with the run of society as interpreted Under Sec. 6 of *Hindu Majority and Guardianship Act 1956*, as decided in *Gita Hariharan vs. Reserve Bank of India* Case the mother could act as normal guardian throughout the lifetime of father if he is not in incriminate of the matter of minor. Sec.4 of *Hindu*

*Succession Act 1956*, removed disability of a female to obtain and grasp property as total owner and to change limited possession into unconditional property so that equal opportunity could be conferred on women.

Under Muslim Law, the Court has observed in case of injustices done to woman in personal laws. In *Shah Bano vs. Md. Ahmad Khan* the Supreme Court expressed its concerns affected to the responsibility of woman husband to uphold his divorced wife, away from Iddat period, if she is unable to preserve herself. The *obiter* of this significant case rocked the Muslim community in India most important to performance of *Muslim Women's (Protection of Rights on Divorce) Act 1939*.

### **C. Women Under Commercial Laws of India**

The jurisprudence of industrialization has confirmed the very important roles as tool of social justice. *Equal Remuneration Act 1976* passed with the aim of equal pay for equal work both man and woman and contained that there will be no intolerance against employment of woman and promotes chance to them. *Maternity Benefit Act 1961* provides protection to women workers maternity leave, extra leave for child infancy sufficient awareness to their security and strength of woman during pregnancy and lactation. *Factories Act 1948* makes comprehensive requirements concerning health, safety and welfare of employment of women. Sec.25 of *Beedi and Cigar Workers (Condition and Employment) Act 1966* laid down no woman shall be obligatory to manufacturing premises except between 6 a.m. and 7 a.m. and to make sure for safety of woman.

### **D. Women Under Criminal Legal System of India**

Atrocities towards woman are a very strong issue under law of crimes. Under sec.375 of *Indian Penal Code 1860*, rape constitutes an offence against body and *Criminal Law Amendment Act 1983* introduces various sections to discontinue sexual mistreatment of women in custody, care and control by different categories of person. In famous *Mathura Rape Case*, in deficiency of injuries the Supreme Court overturned the decision of Bombay High Court and acquitted accused, this made a huge hue and cry in entire nation as one of the reasons for Mathura Trail was unchastely of woman and thereby a scrap began for the safeguard of woman suspected to be of unchaste woman. In reply to women activists the Supreme Court decision on the *State of Maharashtra vs. Madhukar.N. Mardikar* affirmed that even a prostitute has a right to privacy and she is permitted to defend her in person if there is an effort to violate it adjacent to her desire. *Criminal Law Amendment 1983* made for hostility the ills of custodial rape, marital rape, rape on pregnant woman and young girls less than 12

years and gang rape and at least penalty for ten years imprisonment has been arranged.

Woman empowerment is necessary as self-respect of woman vests on strength of agreement to uphold the modesty of society. A State runs in the healthiest method with its people irrespective of man and woman. Modesty is a characteristic which female possesses right from her birth. Therefore, when an act is done or in the occurrence of a woman clearly indicative of sex according to widespread ideas of mankind sheltered within Sec.354 of Indian penal Code 1860. In current years it has been observed that the media has vital role for emerging in a large way as the key exploiter of woman, with varying period of innovative behavior of appearance on common power have been shaped the goal of the weaker mechanism of society. The most exposed target is women. During the recent years Laws on Obscenity and Indecent Representation of Woman through various advertisements, publications, writings and paintings are well thought-out as a preparation against justification of women reality. To esteem woman is final slogan for expansion towards vigorous society. But Indian patriarchal society has long want for birth of male child and thus leads to random abortion of female fetus.

Sec.312-318 of *Indian Penal Code* 1860 deals with the objective of miscarriage with or without permission as to stop such against the law. *Medical Termination of Pregnancy Act* 1971 came into force with the aim to come to an end pregnancy by registered medical practitioners where it involves high danger to the life of pregnant woman and there is serious injury to her medical health and there is considerable risk of child in her womb and if it is born there will be physical or mental abnormalities. Similarly *Female Foeticide Act* 1994 is a directive of the use of pre-natal diagnostic method for detecting inherited anomaly and to stop misuse of such method for the purpose leading to female foeticides. The Supreme Court in *CEHAT vs. Union of India* articulated anxiety to stop illegal sex willpower and bound for all state to take away ultra-sound equipment from clinic that are being run without licenses.

The growing number of dowry death is a grave concern. *Dowry Prohibition Act* 1961 is a social legislation, but accomplishment of the Act and rules were not efficient and has not taken up to enthusiasm by government. Under Sec. 304B as dowry death in *India Penal Code* 1860 through punishable and imprisonment not less than 07 years which may extend to imprisonment of life. Sec. 498A *Indian Penal Code* 1860 reflects the nervousness to make superior protector to the weaker spouse. Life of a woman in the family of the husband is sometime so unendurable and unhappy that it drags towards suicide. *Domestic Violence Act* 2005 has formulated for more efficient

protection of the rights of woman guaranteed who are victims of violence any type of event within family. This Act further provides safeguard to the wife or female live in associate house suffering and victim of domestic violence at the hands of husband or any family member.

For the safeguard of woman, a principle included under section 174 of Criminal Procedure Code 1973 and empowers police officers to look into suicide cases and abnormal deaths of bride. Sec.174 (3) it is obligatory for police officer to report the dead body for post-mortem. Sec.176 states inquiry for Magistrate into grounds of death into police custody. By amending 1st Schedule to Criminal Procedure Code 1973, the offence of dowry death has been complete cognizable, non-bailable and triable by Court of Session. 84th *Law Commission Report* incorporated Sec. 113B and Sec.114A in *Evidence Act 1872* and have departed to the uttermost confines to make easy the punishment of accountable. The Supreme Court in *Bhagwant Singh vs. Commissioner of Police, Delhi*, marked that young woman of learning; aptitude and temperament do not put blaze to themselves to reception the hold close of death unless aggravated by somebody or situations.

Women inherited the ill-treatment from time to time, originally willingly and afterward with protest. The last part result, however, remained the same. The extremely character of the social order always permissible legitimizing a large amount of atrocious acts and omissions on the part of men. Violence against women is happen in different spheres of life. Violence may be occurred in different forms (a) Violence to body, (b) Violence to mind (c) Violence to property and (d) violence to reputation.

(a) Violence to body: The violence to the women is the mainly ancient and it is well known that commonly practiced evil. It may take the following forms:

- 1) Dowry deaths: The concept of dowry was firstly followed as a practice of giving voluntarily some share in the property of the father to the daughter at the time of her marriage. The main aim is to provide some contribute to the daughter by which she was not entitled to property unlike her brothers.
- 2) Rape: The forcible ravishing of the body of a woman is also a form of violence against body of a woman.
- 3) Outraging modesty: An act or attempt to bring disrespect to women by outraging their modesty is another form of violence against body.
- 4) Criminal intimidation and annoyance: The sick mentality of few creates a nuisance for many women in the form of criminal intimidation and annoyance.

- 5) Forced prostitution by blackmailing and other coercive means: Sometimes women are exploited by blackmailing methods and forced into prostitution.
  - 6) Sexual harassment at workplace: The unsafe working environment and sexual harassment at workplace is another form of violence against women.
  - 7) Female feticide: The preference of a male issue results in the commission of the most barbaric and inhuman violence against women in the form of female feticide.
- (b) Violence to mentality: The violence to mind may take the following forms:
- 1) Dowry demands: The demand of dowry results in extreme emotional trauma and stress to the mind.
  - 2) Mental torture and cruelty: Sometimes women are also mentally tortured on trifling issues that can be avoided at all counts.
  - 3) Matrimonial matters: The violence to mind can also result out of matrimonial relationships. For example, a husband may go to a second marriage during a genuinely subsisting first marriage on account of massive mental pain to the wife.
- (c) Violence to possessions: This may take the following forms:
- 1) Discriminatory succession matters: It is held that women are not entitled to shares in property of the joint family with the exception of a maintenance right. The position has now changed though it is far from satisfaction. With the passing out of a "Uniform Civil Code" can resolve many proprietary and marital troubles.
  - 2) Deprivation of property: The women are deprived of their property by satisfying the unjustified dowry demands.
- (d) Violence to reputation: This may take the following forms:
- 1) Practicing untouchability: By practicing untouchability the reputation of women is maligned.
  - 2) Naked parade of Dalits: This is a practice that we see even after half a century of independence. Some of the humiliating and harsh drive on the standing of women.
  - 3) Allegations of illicit and adulterous relationships: The allegations of illicit and adulterous relationships also create immense harm to the reputation of women.
  - 4) Allegation of illegitimate child: A more severe variation of the above mentioned may cause reputation of child.

5) Allegation of adultery is the allegation of bearing of illegitimate child.

Unlawful manipulations resultant in pornography: The exploit of most recent technology for facilitating controlling pornography is another shape of aggression against reputation of women. India has witnessed the phenomenon of domestic violence. This phenomenon is neither unique, nor alien to India. In India, from the commencement, the occurrence of this experience was increasing.

This rise was not completely self-regulating of factors. In a number of cases, the identical was related with anxiety for dowry. Earlier than the extremely first woman empowerment alteration of the Indian Penal Code, 1860, the state of affairs was as aforesaid. However, to fight the identical, the Criminal Law (Second Amendment) Act, 1983, was approved which came into the IPC the section 498A, which deals with brutality to the woman by her husband or any other relative of her husband. To give it with the claws, this type of offences under this segment were made cognizable, meaning that the person(s) next to whom grievance was made might be under arrest without a warrant; non-compoundable, meaning that the substance could not be compromised between the parties disturbed; non-bailable, and significance that the person be arrested could not be free from police custody despite attaining a bail. According to Section 498-A of IPC, Cruelty against a woman by her husband or a relative of husband is punishable offence with imprisonment for a term which may extend to three years shall also be liable to fine. For the purpose of this Section 'cruelty' means

- a) Any obstinate behavior which is of such a environment as is expected to make the woman to commit suicide or to cause serious damage or hazard to life.
- b) Stalking of the woman where such nuisance is with a inspection to coercing her or any person associated her to assemble any against the law insist for any goods or important shelter procedures or is on position of collapse by her or any person related to her to get a hold collectively such order.

In a case between *Wazir Chand v. State of Haryana* Unlawful demand of dowry is also punishable offence under this Section because it is amount to mental cruelty against woman. Where newly married woman was died due to burning, circumstances could not disclose murder or abatement of suicide, under this circumstance.

Section 498-A of Indian Penal Code was held to be paying attention. Where there was harassment, ill treatment and torture against the woman deceased. In another case between *P. Krishna Murthy v. State* Husband and his mother both

challenging dowry, the accused were held culpable for the offence dedicated under Section 498-A of Indian Penal Code.

However, in *Sarla Prabhakar baghmare v. State of Maharashtra* the court observed Section 498-A of Indian Penal Code is apply only when, the nuisance and unkindness are well-known with a view to forcing wife to commit suicide or to fulfill illegal difficulty of husband and his associations.

In a landmark judgement between *Vijay Kumar Sharma v. State of U.P.* Where petitioners taken not here of the son of plaintiff without obtaining her permission, it has been held that the said manner of the petitioners is amounted to unkindness since the goal is to take absent the child was to bother the mother of child on the ground of her breakdown to get together the demand of dowry. In *Public Prosecutor v. Dasri Mohan* approaching late home and assaulting the wife in the nights it amount to unkindness within the meaning of the said Section.

304-B Dowry death: Where the death of the woman is caused by any burns or bodily injury or occurs or else than under usual situation within seven years of her marriage and it is exposed that almost immediately before her death she was subjected to cruelty or annoyance by her husband or any family member of her husband for, or in relationship with, any demand for dowry, such death shall be called "dowry death" and such husband or relative shall be deemed to have caused her death. For this reason of this sub Section, Section 2 of the Dowry Prohibition Act. 1961. Such offence shall be punished with detention for a term which shall not be less than seven years but which may make bigger to custody for life.

In a case *Samir Samanata v. State* if any person commits suicide, whoever abets the charge of such suicide, shall be punish with detention of either account for a term which may expand to ten years, and shall too be legally responsible to fine under S. 306. Such abetment may be caused by: initiation, Conspiracy and Aiding.

## **E. Indian Evidence Act**

There are some provisions on issues related women in technical laws as well. They are:

When a query is made whether the charge of suicide by a woman had been abetted by her husband or any family member of her husband and it is exposed that she had dedicated suicide within a stage of seven years from the day of her marriage and that her husband or such next of kin of her husband had subjected her cruelty, the court may assume, having observe to all the additional state of affairs of the case, that such suicide had been abetted by her husband or by such family member or her

husband under S.113 A. Under S.113 B, the court shall assume that woman almost immediately before her death had been subjected by such individual to cruelty or annoyance for or is relationship with, any demand for dowry; the court shall assume that such person had caused the dowry death.

Section 416 of Cr.P.C., accordingly if a woman sentenced to death is initiate to be pregnant, the High Court shall order the carrying out of the verdict to be deferred and if it thinks in shape, may alter the verdict to detention for life. Protection in positive offences not to be punished:

(a) Rape under Section 376.

Abnormal offence under Section 377 of IPC empowers woman. According to these Sections the act of the man is carrying a punishment of. But related act of women is not liable to be punished by under IPC, since these Sections take the words "sexual intercourse" and diffusion" obviously it is only possible by men. If, any woman commits alike act (outer course with man) next to his will and without approval of the offence, is not punishable, even though, she is not punishable with abetment Section 354 of IPC makes an act of physical attack or using illegal force to any woman, intending to indignation her humility as punished by, but alike act of women is not punishable, if she does so with man's humility. Infidelity under Section 497, illegal elopement under Section 498 and unkindness by her husband and his relations under Sections 498A, are also such offences where woman are not punishable for the alike of such act on their division. Section 112 says a person was born for the period of the continuation of a persuasive marriage or within 280 days following its dissolution but earlier than the woman remarried somebody else is itself a decisive confirmation that the person to whom the mother of the child was connubial is the natural father of the child born.

However in a case between *State of Maharashtra v. Christian community welfare council of India*, there is a safeguard from interesting a woman in the night in nonexistence of lady police. The honorable Supreme Court directed the police not to take into custody a lady without the occurrence of lady constable and also forbidden the detain of a lady after sunset and before sunrise under any conditions. While it is essential to look after a female required to be under arrest by the police from police misdeeds, it might not be always likely and sensible to have the incidence of lady constable when the requirement for such arrest arises. In a case between *Rajkumari v. S.H.O Noida*, the nonappearance of lady constable such fascinating officer for reasons to be recorded either before the arrest or

without delay after the arrest be acceptable to arrest a female person for legal reasons at anytime of the day or night depending on the situation of the case even without the being there of a lady constable. It was observed that by the Code of Criminal Procedure (Amendment) Act 2005 has inserted clause (4) to Section 46 of Cr.P.C where the women police officer shall by creation on this paper, get hold of the preceding consent of the judicial magistrate of the first class within whose local authority offence is dedicated to or the arrest is completed.

- (b) Protection from police harassment: A women cannot be called to a police station for an enquiry. She can only be interrogated at her residence. No women can be kept in detention at night in a police station. Women cannot be locked up under Civil Court verdict.
- (c) Protection against harbouring the husband: If the wife or husband is specified harbour to his/her wife/husband is not offence (except few offences against State). The word "harbour" includes the supplying a shelter, food, drink, money, clothes, arms, shells or means or transportation or supporting a person by any resources whether of the same type as those enumerate in this Section or not, to escape uneasiness.
- (d) Safeguard of a woman married to NRI: The Apex Court has highlighted the need and requirement for suitable ladder to be in use to defend the attention of women married to a NRI and issued the subsequent guidelines.
  - 1) A foreign Court may not once a year the marriage between a NRI and an Indian woman, which has taken place in India.
  - 2) Requirements may be completed for effectively maintenance to the wife in the assets of the husband both in India and abroad.
  - 3) The ruling granted by Indian Courts may be completed executable in foreign Courts.

Right of maintenance from husband: If a husband having an adequate amount of means, abandon or refuses to maintain his wife who is not capable to preserve her, the wife can go through Court order and get monthly allowances from her husband for her maintenance. Only Muslim women have no right to get such persistence income from their husbands with the exception of throughout *iddat* period.

In *Mohd. Ahmed Khan v. Shah bano Begum* Muslim women are at liberty to maintenance under Section 125 of the Cr.P.C. The Hon'ble Supreme Court has apprehended in the case of *Shah Bano Begum* that if the separated woman is competent to keep on herself the husband's legal liability ceases with the era of *iddat*, but if she is not competent to carry on once the period of *iddat*, she is permissible to

determination under Section 125 of the Cr.P.C. which through to disagreement as to the responsibility of the Muslim husband to spend maintenance to the alienated wife. The Muslim women (Protection of rights on separation) act was approved to deteriorate the judgment particular in the end of Shah Bano Case. Further in *GM Gelani v. Shan sver kulsum*, Court has determined, "Whether the spouses are Hindu, Muslim, Christian, Parsis, Pagans or Threatens is wholly irrelevant, in the applications of these provision". Section 125 of the Cr.P.C said that this Section is matter in character and does not appropriate to all the religions consistently. The Andhra Pradesh court under arrest that a Muslim minor girl would be free claim maintenance from her father even after the enforcement of the Muslim women (safety of rights on separation) Act 1986.

There are many more legal provisions directly or indirectly address the issues in similar line.

#### **F. Issues and Concerns**

There is forever a disagreement that legitimate and lawful provisions are not sufficient to take away obstacles to women's liberation in universal, and restrain violence or prejudice against women in scrupulous. Therefore it is suggested that women are still treated as second class citizens in the society despite constitutional safeguards. In an effort to decrease prejudiced provisions in the presented heritage laws, personal laws, and penal laws were supplementary year after year but, no acceptable answers for a lot of regular questions. Constitution has laid behind a complete framework for equal opportunity and integrity for all in universal; women and disadvantaged section in scrupulous. The present state of affairs may not fully recognize the same but, it is in fact smooth the technique for the women to create their rights in all domains. There is also misapprehension of necessities of the constitution to defend the vested interests and refuting the enforcement of the laws fully in its right strength e.g. the government shall declined to make longer for the advantage of the remission to the convicts who have dedicated crime against women even while extending it to additional convicts. It would not be violative of Article 14 of the Constitution of India. But, it is not mentioned as violation of the justifiable condition.

#### **G. Bias against Women**

There are different laws have been many amendments that have been carried out to end the bias against women and give power to women in all aspect of life. Gender equality is enshrined in Indian constitution empowers the State to finish the gender based inequity against women. There is unwillingness of seats in local bodies and municipalities and other law is being envisioned for reservation in Indian

Parliament. However, the distressing part is that all these laws and amendments have become powerless as the basic harms lies in the approach of the social order which is exceedingly biased against women.

#### **H. Legal framework to protect women**

The officially permitted framework to protect women from violence is in place. We have adequate laws but, there are various forms of violence had taken place which is not only the law that can alter the state of affairs. But there is a requirement to modify the mindset and stereotype about “respect for women within” the families and society for the enforcement and completion of the law, which is serious. It can be noticed that High Courts have given a instructed to stop violence and place of work harassment against women. How much progress has the government made in its implementation? Not that there is a lack of laws protecting women them, nevertheless the awful accuracy is that the laws are rendered ineffective in the general public that fails to concurrence women equivalent position. Laws, however successful they could be, give a poor protection against humanity that unmoving looks downward upon women as second best populace.

#### **I. Adequate Criminal Laws**

Women empowerment could be successful through various measures of criminal law. No doubt, there is a aggravated informative dispute over the livelihood law must discover respond to the innovative challenges and the judiciary are necessary to move the system of sentence to meet the requirements. The contamination of turmoil would weaken social arrange and rest it in remains. Safety measures of society and stamp out illegal penchant must be the purpose of the law, which must be achieved by magnificent suitable verdict. Therefore, law as a curve stone of the structure of order should assemble the challenges confronting the social order. The communal collision of the offense, e.g. where it relates to offences against women, dacoity, kidnapping and other offences concerning ethical turpitude or moral criminal behavior which have great shock on social order and communal interest, cannot be lost view of and per se necessitate very good treatment.

#### **J. Challenge Continues**

Women empowerment in India is a significant assignment as we require acknowledging the information that gender based bias is a bottomless entrenched social hatred skillful in India in many forms since thousands of existence. Different laws and procedures are not adequate as it is seen that the majority of the period these

laws and policies just stay behind on document. The position on the other hand residue the same and in many example worsens supplementary.

The only answer is for women to come together as a unifying power and begin self empowering measures at the position level. The measured speed at first but it must occur despite little steps might seem like. Once the employment towards self empowerment through little number of never-ending measures, we become conscious about the opinion realities and then we can envisage about enchanting supplementary option towards changing the condition of mind of the culture which fosters gender inequality and prejudice.

The life of the law is not common sense but a acquaintance. It is very clear that every credible be anxious has been taken in the rightful provisions (while amending also) to particularly with regard the women. However, world is subjugated by the male group of people, whereas, women survive on behalf of the population of the world and works two-third of the sum work of the earth. Even though self give up and self refutations are their dignity and good quality yet they have been made the fatalities of all inequalities, indignities, inequity and prejudice, from time to immemorial. All present research works and review results clearly inserted that 'Nothing can put back woman may be for ache or enjoyment;' answer for many difficulty is neither lies in performance of more and more laws nor interpreting and reinterpreting the necessities of existing laws; but preservation of good sense of balance in sex ratio which may serve up the aim sooner or later.

#### **4 CONCLUSION**

In the concluding division it can be said that women abuses can go away exciting scars, harmed on physical condition as well as their reproductive sexual healthiness and in some examples resulted to demise. There is a requirement to modify the demographic job of sculpture of Indian's inhabitants and take on the violence against women. Presentation of law is insufficient; laws must be adhered and methodically useful. Apart from the above many type of legislations, actions and their triumphant implementations, it is also necessary to teach and educate youth creation to be concerned, ready to lend a hand to their counterparts and this would help to respect and significance the illustrious position of woman. They should be respected by man. Their appreciation and self-confidence should never be touched and encroached. Existence are not so far, where there may be demonstration of situations

where females will be chosen and in response will be inculcated in psyche that she is a daughter, she is a sister, she is a life partner and she is a mother of a man.

## 5 DECLARATION OF CONFLICTION INTERESTS

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