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Date: 02.08.2023

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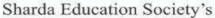
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Index of Supporting Documents

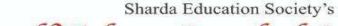
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Index

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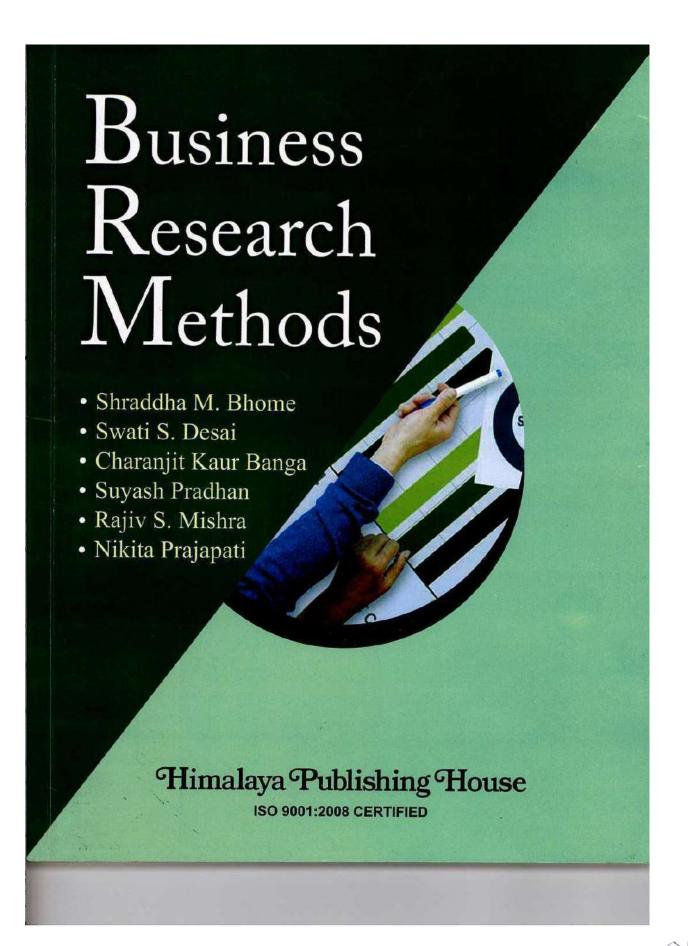
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(As per the Revised Syllabus of Mumbai University for S.Y.BMS, Semester IV, 2017-18)

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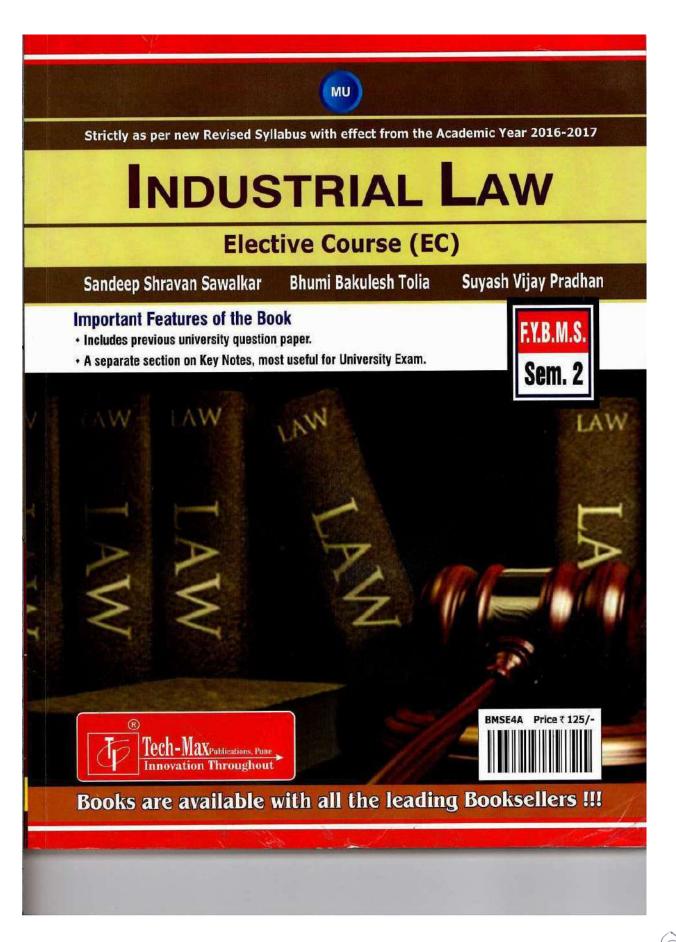
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Industrial Law

Sandeep Shravan Sawalkar, Bhumi BakuleshTolia, Suyash Vijay Pradhan (Semester II - Bachelor of Management Studies (BMS))

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with Effect from the Academic Year 2016-2017

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Industrial Law

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Sr. No.	Modules	No. of Lectures
1	Laws Related to Industrial Relations and Industrial Disputes	15
2	Laws Related to Health, Safety and Welfare .	15
3	Social Legislation	15
4	Laws Related to Compensation Management	15
CONTRACTOR TO	Total	60

Sr. No.	Modules/ Units
1.	 Laws Related to Industrial Relations and Industrial Disputes Industrial Disputes Act, 1947: Definition, Authorities, Awards, Settlements, Strikes Lockouts, Lay Offs, Retrenchment and Closure. The Trade Union Act, 1926. (Refer chapter 1)
2	 Laws Related to Health, Safety and Welfare The Factory Act 1948: (Provisions related to Health, Safety and Welfare) The Workmen's Compensation Act, 1923 Provisions: Introduction: The doctrine of assumed risk, The doctrine of Common Employment, The doctrine of Contributory Negligence. Definitions Employers liability for compensation (S-3 to 13)
	Rules as to Compensation (Sec 4 to Sec 9) (14 A & 17)

Shadle

(Refer chapters 2 & 3)

Sr. No.	Modules/ Units
3	Employee State Insurance Act 1948 : Definition and Employees Provident Fund. Miscellaneous Provision Act 1948 : Schemes, Administration and determination of dues. (Refer chapter 4)
4	 Laws Related To Compensation Management The payment of Wages Act 1948: Objectives, Definition, Authorised Deductions Payment of Bonus Act, 1965 The Payment of Gratuity Act, 1972 (Refer chapter 5)
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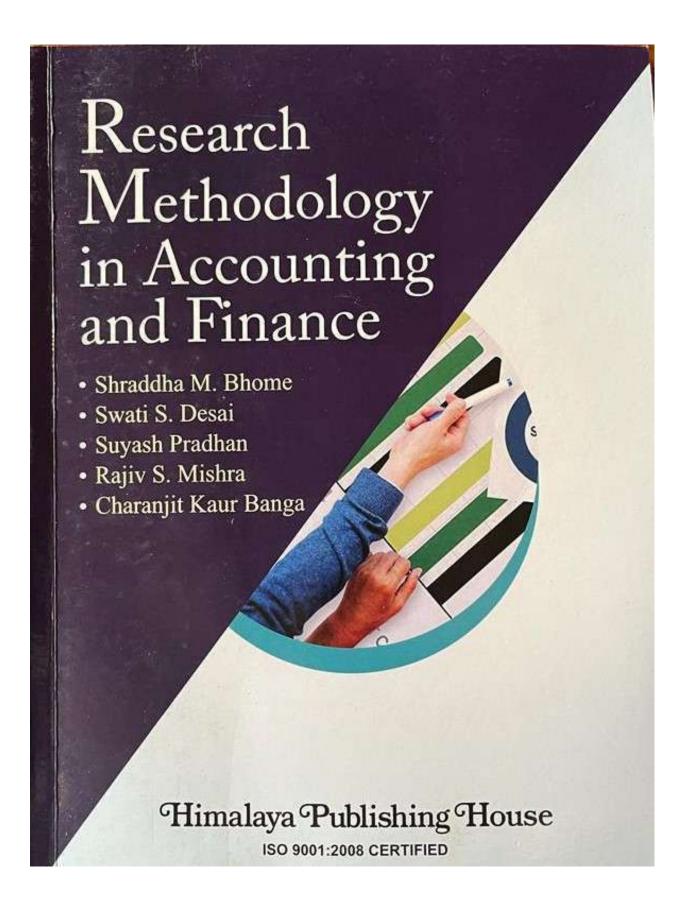
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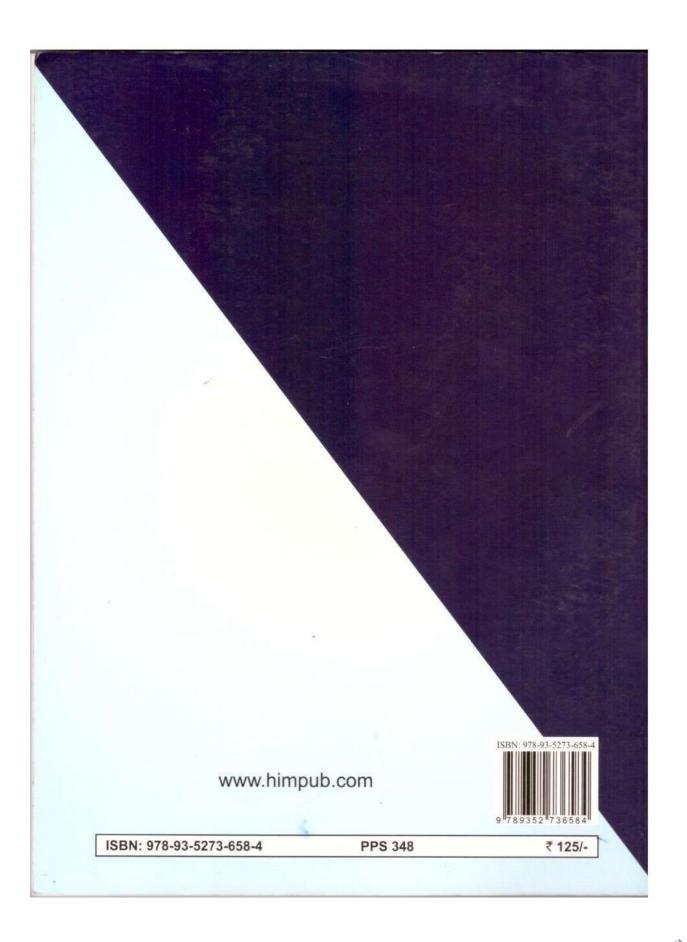
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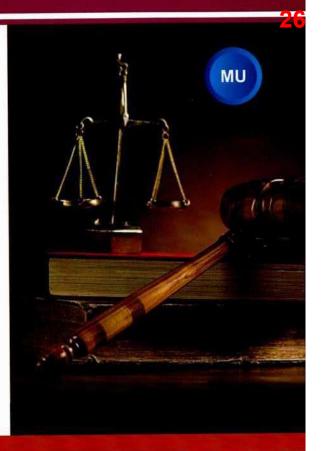


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1.	Introduction to Banking	8 A 08
2.	Indian Constitution	2 10
3.	Contract Act	12
4.	Special Contract	12
5.	Negotiable Instrument Act	10
6.	Information Technology Act	08
3	Total	11 ma 60 5 9

Sr. No.	Modules / Units
1. sh	Introduction to Law
	Meaning, Definitions, Features, Types, Sources and Classification (Refer chapter 1
2.	Indian Constitution
10(1)	Natural Justice, Special Leave Appeal, Features, Writs, Fundamental Rights. (Refer chapter 2
3.	Contract Act
e Po	Meaning, Essentials, Agreement, Offer, Acceptance, Consent, Free Consent, Consideration Capacity of contract, Kinds and Classification of Contract, Performance, Discharge and Termination of Contract, Void - Quasi- Contingent -Wager - Minor Contracts, Breach and Remedies For the Contract (Refer chapter 3)
4.	Special Contract
	 Indemnity & Guarantee - Meaning, Features, distinguish, position, Surety, discharge of surety Bailment: Meaning, Types, Features, Position, Lien, Finder of Goods Pledge
	 Agency: Meaning, Features, types, Position, Ratification, Modes of Creation and Termination, Liabilities.
	 Sale of Goods Act: Introduction, Meaning, Features, Terms, Goods Classification, Sale and Agreement to sell, Unpaid Seller and position Conditions and Warranty.
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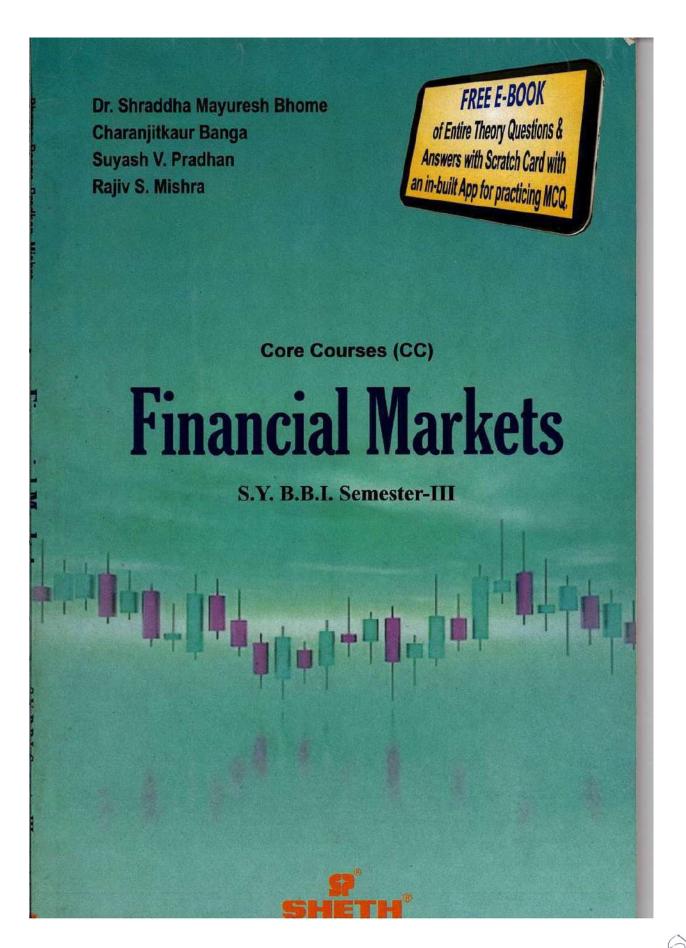
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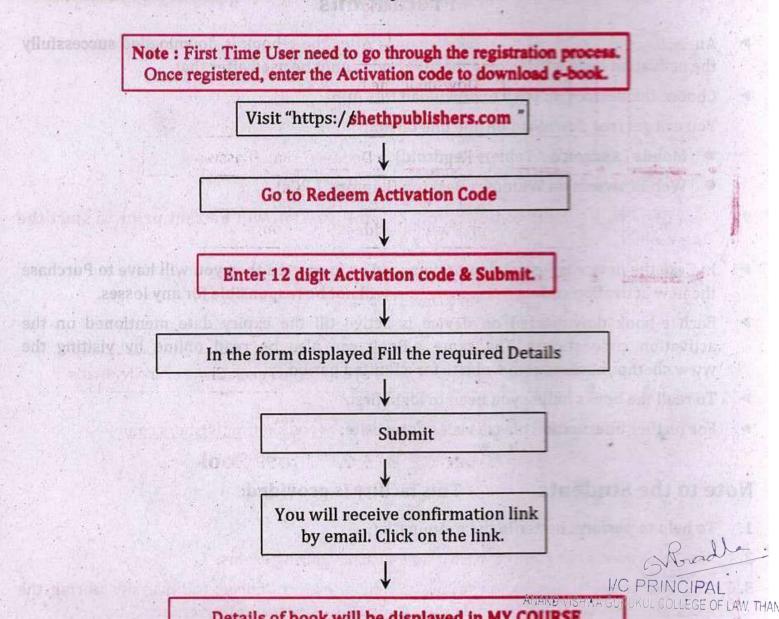
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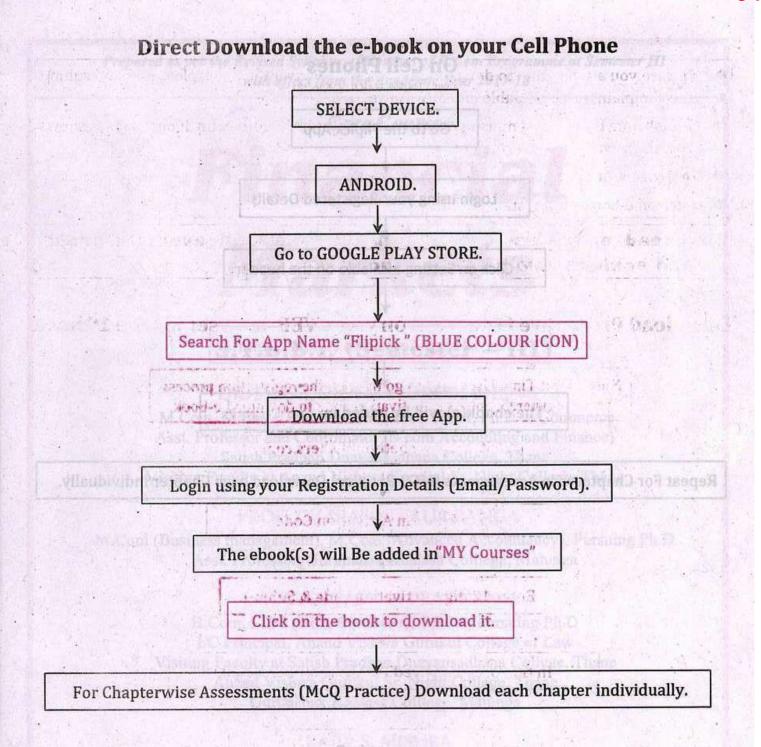
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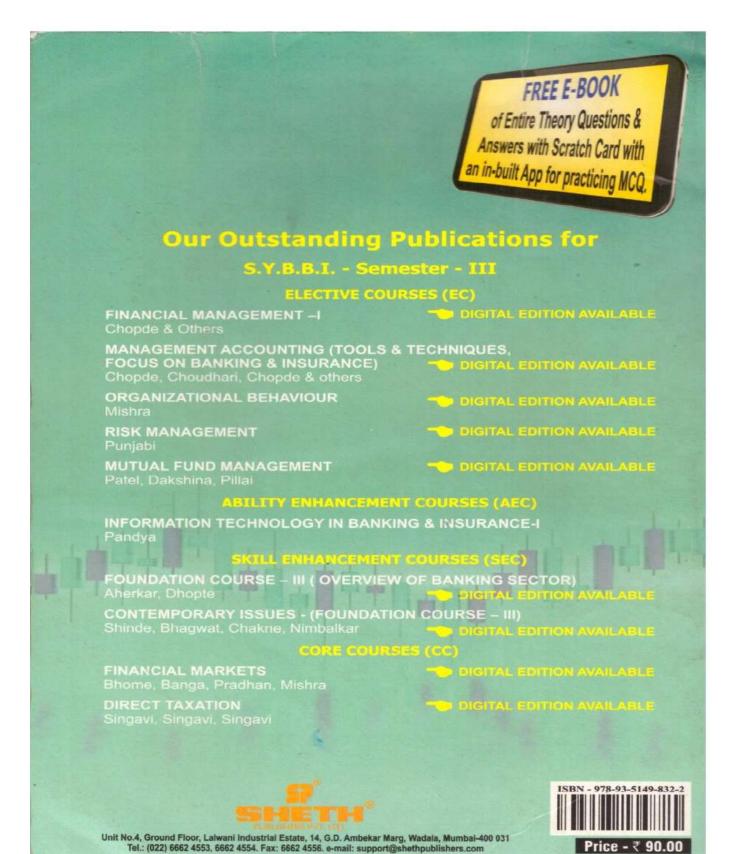


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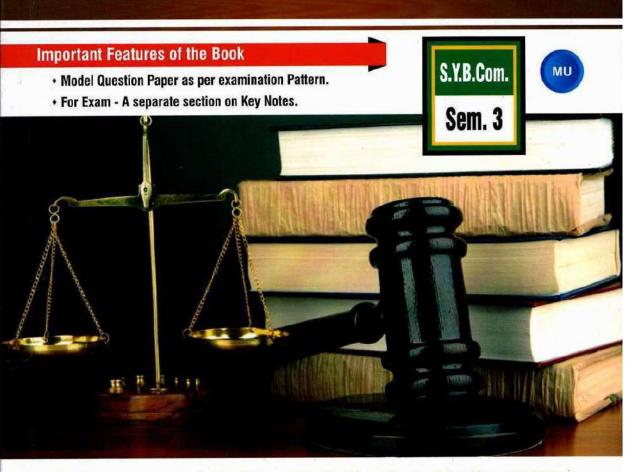




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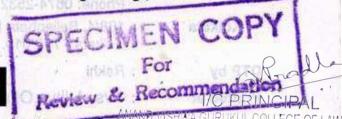
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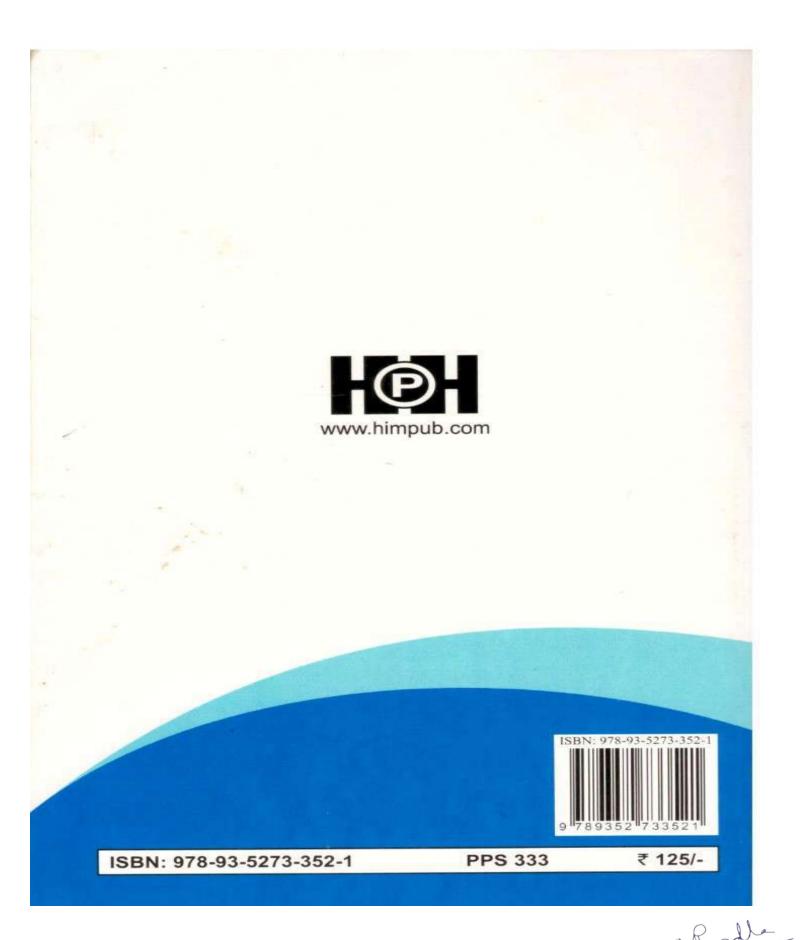
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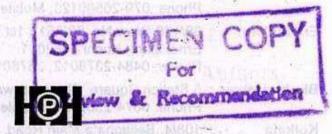
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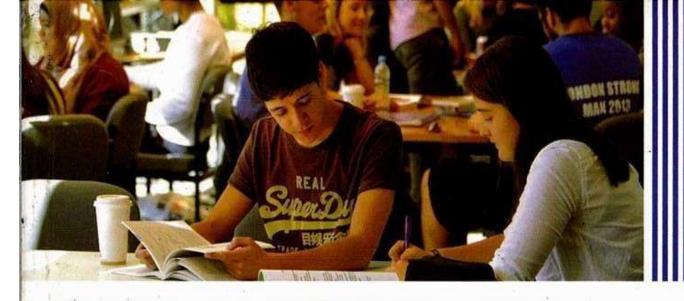




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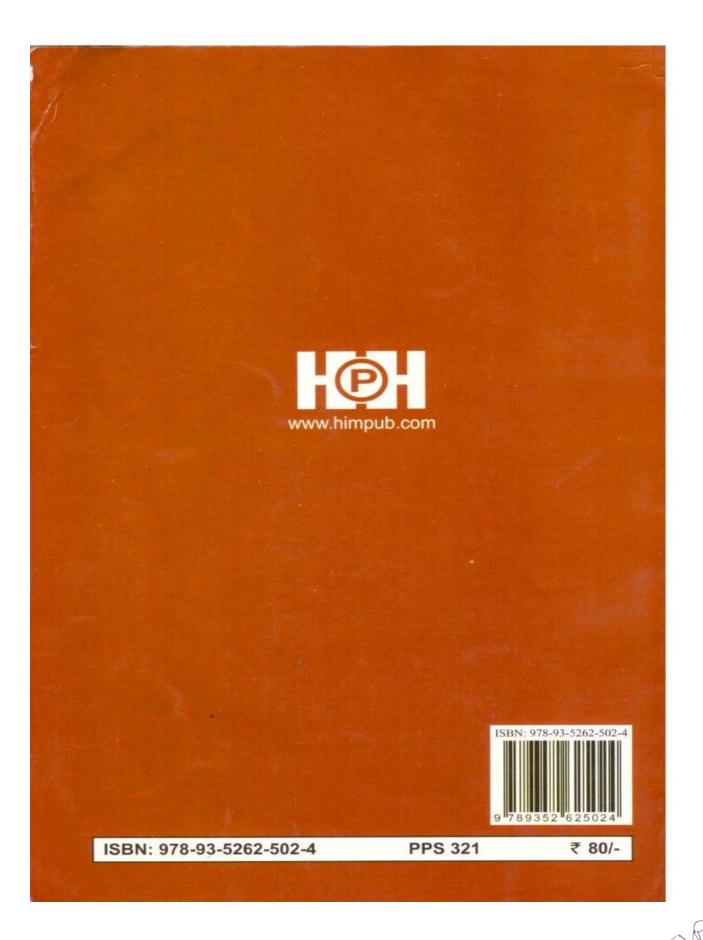
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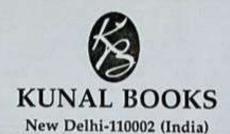
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EMERGING ISSUES ON WOMEN EMPOWERMENT

Compiled and Edited by : Jayanta Mete Ajit Mondal

[Foreword: Prof. Mohit Chakarbarti]



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Women Empowerment at National and International Level

Amruta Sharad Makhare

'You can tell the condition of a country by looking at the status of its women.'

-Pandit Nehru

The world is dominated by the male community, whereas, women occupy half of the population of the world and works two-third of the total work of the world, more in, hygienic conditions than the men. Everyone says that women are equal to men or claims the equality. We say that they are not equal to men but superior to men. To test their equality or superiority, we have to empower them.

Introduction

For centuries women were not treated equal to men in many ways. They were not allowed to own property, they did not have a share in the property of their parents, they had no voting rights, and they had no freedom to choose their work or job and so on.

Now that we have come out of those dark days of oppression of women, there is a need for strong movement to fight for the rights of women and to ensure that they get all the rights which men have or in other words a movement for the Empowerment of Women.

What is the Empowerment?

The word "empowerment" is one, which is widely used but seldom defined. It is an active, multi dimensional process which encompasses several multi reinforcing components that begin with and supported by economic independence. Power is the key word of the term empowerment.

According to the International Encyclopaedia, 'Power means having the capacity and the means to direct one?s life towards desired, social, political and economic goals or status. Power means control over material assets, intellectual resources and ideology.

Empowerment literally means becoming powerful. In that perspective the empowerment of women and the improvement of their status, particularly in respect of education, health and economic opportunities is highly important.

Women need to be empowered in order to become strong and ready to take up new challenges

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for the building up of the family, society and the nation. In fact, women empowerment is human empowerment itself.

Why is there still a Need for Women Empowerment?

Inspite of the various measures taken up by the government after Independence and even during British rule the Women haven't been fully empowered. We may be proud of women in India occupying highest offices of President, Prime Minister, Lok-Sabha Speaker occupying highest positions in the Corporate Sector but the fact remains that we still witness dowry deaths, domestic violence and exploitation of women. The female foeticide is not an uncommon phenomenon.

The ground reality is deprivation, degradation and exploitation of women specially women from rural areas and those belonging to deprived sectors of the society. The Urban elite class women have no doubt been benefitted by the efforts of women empowerment.

Woman Empowerment in India

Women's empowerment in India is heavily dependent on many different variables that include geographical location (urban or rural), educational status, social status (caste and class), and age. Policies on women's empowerment exist at the national, state, and local (Panchayats) 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.

One key factor for the gap in implementation of laws and policies 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 Panchayats (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

Among rural women, there are further divisions that hinder women's empowerment. The most notable ones are education levels and caste and class divisions. Women from lower castes (the scheduled castes, other backward castes, and tribal communities) are particularly vulnerable to maternal mortality and infant mortality. They are often unable to access health and educational services, lack decision-making power, and face higher levels of violence.

Historical Background of Women Empowerment in India

The status of Women in India has been subject to many great changes over the past few

Women Empowerment at National and International Level

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millenniums. In early Vedic period Women enjoyed equal status with men. Rigved & Upanishads mention several names of women sages and seers notably Gargi & Maitrey. However later the status of women began to deteriorate approximately from 500 B.C., the situation worsened with invasion of Mughals and later on by European invaders.

Some reformatory movements by Guru Nanak, Jainism, Raja Ram Mohan Rai, Ishwarchandra Vidya Sagar, Pandita Rama Bai and others did give some relief. It is not that Britishers didn't do anything for improving the condition of women. Some laws were enacted such an "Abolition of practice of Sati", Widow Remarriage Act 1856 etc.

The real change came after independence. Constitution of India guarantees equality to women (Article 14). There are other articles too which ensure rights of women e.g. no discrimination by the state [article15 (1)] equality of opportunity (Article16) etc. Feminist activism picked up momentum in India during later 1970's. Later on many groups and NGO's have been working for the Empowerment of women. We are proud that in India Women got voting right much before USA and some other European countries.

Constitutional Empowerment of Women: India

A. Fundamental Rights.

Right to Equality: The state shall not deny to any person equality before law and equal protection of the laws within the territory of India. It prohibits any discrimination on grounds of religion, race, caste, sex or place of birth.

Protective Discrimination: Constitution imposes prohibition on the state not to discriminate against any citizen on grounds of religion, race, caste, sex, and place of birth or any of them. But, nothing in this article shall prevent the state from taking any special provisions for women in educational institutions.

In pursuance of Art. 15(3) Government of India has enacted 73rd and 74th Constitutional Amendment Act, providing 33% reservation of seats in each of the Panchayats, i.e., Gram Panchayats, Block Samities and Zila Panchayats. It shows that nearly one million women are elected to these local bodies.

Equal Opportunities in matter of Employment: There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state. The State Government can make provisions for reservation of seats for women in local bodies. The 73rd amendment of the Constitution provides for the reservation of 1/3 seats in all tiers of local Government for women.

Case Law - Air India v. Nargesh Mirza (1981) 4 SCC 335

The Hon'ble Supreme Court held in Air India Regulation unconstitutional, as being discriminative against women. This regulation provides that "an airhostess could not get married before completing four years of service. If she gets married before completing four years of service, she had to resign and after reaching the age 23 years, if she continues her service as a married woman, then she had to resign on becoming pregnant.

Case Law - C. B. Muthamma v Union of India

The Hon'ble Supreme Court held Central Government Service Rules unconstitutional, which

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Government to extend the benefits of the Maternity Benefits Act, 1961, also to the women employees working on their muster roll.

Uniform Civil Code for the Citizen

Art. 44 of Constitution of India, calls for the development of a uniform civil code. Such uniform civil code has not yet been achieved in India after 6 decades of independence. System of personal law regarding marriage, dowry, divorce, parentage, legitimacy, guardianship, religious and charitable endowments, wills, inheritance, succession and so forth, continue to operate for Hindus, Muslims, Christians, Parsis and Jews.

B. Fundamental Duties

Constitution of India imposes fundamental duty on every citizen of India, to renounce practices derogatory to the dignity of women. In 1990, the Government has highly empowered the women in India by enacting the National Commission for Women Act, 1990, to implement the duty of the citizen of India enriched by fundamental duties under Art. 51-A(e).

This Act provides to constitute a Commission for Women. It looks after matters relating to women, as it can investigate and examine all matters relating to the safeguard for women under the constitution and other laws. It can also look into complaints and take sue motto notice of matters relating to deprivation of women's right.

C. Other Empowerment of Women in India

Empowerment under Criminal Law

a. Pregnant woman cannot be executed with death sentence

According to section 416 of Criminal Procedure Code, if a woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed and if it thinks fit, may commute the sentence to imprisonment for life.

b. Protection from arresting a woman in night in absence of Lady Police

The Hon'ble Supreme Court directed the police not to arrest a lady without the presence of a lady constable and also prohibited the arrest of a lady after sunset and before sunrise under any circumstances.

c. Protection from Police harassment

A woman cannot be called to Police Station for an inquiry. She can only be interrogated at her residence. No woman can be kept in custody at night in a Police Station.

Child Marriage (Restraint) Act, 1929

The legislature has substituted the Act to prohibit child marriage in the form of the Prohibition of Child Marriage Act, 2006. The Act curb child marriage more serious and empowers the woman to have maintenance from husband who marries to a girl below the age of 18 years and also empowers the court to give the custody of child in the best interest of the child.

Immoral Traffic (Prevention) Act, 1956

The Government has enacted this particular Act for the prevention of immoral trafficking among the human beings.

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The Maternity Benefit Act, 1961

This Act regulates the employment of women in certain establishments for certain period before and after child birth and to provide for maternity benefit and certain other benefits.

The Medical Termination of Pregnancy Act, 1971

The object of the Act was to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto.

The Commission of Sati (Prevention) Act, 1987

The Act provides for effective prevention of the commission of Sati and its glorification and for matters connected therewith.

The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994

This Act was intended to regulate the use of pre-natal diagnostic techniques for detecting genetic and metabolic disorders, chromosomal abnormalities, certain congenital mal-formations and sex linked disorders.

International Empowerment of Women

1. Charter of UNO 1945

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

2. Universal Declaration of Human Rights, 1948 (UDHR):

a. All human beings are born free and equal in dignity and rights.

- b. Equality before law and equal protection of law : All are equal before law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- c. Everyone has the right to the protection of his privacy, family, home or reputation : No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
- d. Right to marry and found a family: Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection
- e. Right to work of choice, equal pay for equal work and join trade unions : Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity. Everyone has right to form and to join
- f. Right to have a standard of living adequate for the health: Everyone has the right to a

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standard of living adequate for health and well-being of himself and his family, including food, clothing housing and medical care and necessary social services, and the right to security in the event of unemployment sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance.

3. Convention on Political Rights of Women, 1954

Under this convention the woman is empowered with following rights.

- a. The Right to Vote: Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.
- b. Eligibility for Election: Women shall be eligible for election to all publicly elected bodies established by national law on equal terms with men, without any discrimination.
- c. Right to hold Public Office: Women shall be entitled to hold public office and to exercise all public functions on equal terms with men.
- 4. International Convention on Economic, Social and Cultural Rights, 1966: State shall ensure the equal right for men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.
- 5. The Declaration of Mexico on the Equality of Women, 1975 : The world conference was held on the International Women's year at Mexico in 1975. The declaration of Mexico focused on the equality of Women and their contribution to development of peace.
- 6. The Convention on the Elimination of All Forms of Discrimination Against Women, 1981: The state parties to convention shall condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

Conclusion

The recent inhuman Delhi rape case 2012 has forced us all to think over such brutal human tendencies and it's a time to have comprehensive thought on such fragile issue. Empowerment by itself may not place women on an equal footing with men. The greatest need of the hour is change of social attitude to women. Take the classic case of dowry. Dowry is still rampant in a virulent form even among the highly educated a girl may be, dowry is still demanded. Only when the demands crossed the limits, girl fought back. How many girls are there who can toe her line? Women's empowerment means a lot, but the ultimate goal of the equalization of man and woman would materialize only when her complementary role is recognized by the society

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EMPOWERMENT OF

WOMEN: REALITY AND **MYTH**

Editor

- Dr. Jyoti Bhakare
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- Prof. Kiran Shinde Dr. Shubhada Gholap





Empowerment of Women: Reality and Myth

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Empowerment of Women-Issues & Regulations

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"There is no chance for the welfare of the world unless the condition of the women is improved. It is not possible for the bird to fly on only one wing." - Swami Vivekananda.

In the simplest words, empowering the women means creating such an environment in which they can take independent decisions for their personal development and the development of society in general. Empowerment is the process by which the women achieve increased control and participation in decision making which in turn helps to achieve equal basis with men in various spheres - political, economical, social, cultural and civil.

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women but also empowers the state to strive and adopt measures of positive discrimination in favour of women.

We have various laws, policies, plans and programmes aimed at women's advancement in different spheres. However, there exists a wide gap between the goals enunciated in these various

forms of development measures and related mechanisms on the one hand and the situational reality of the status of women in India, on the other.

The problem essentially is routed in gender disparity in India. Gender disparity manifests itself in various forms, the most obvious being the trend of continuously declining female ratio in the population in the last few decades. Social stereotyping and violence at the domestic and societal levels are some of the other manifestations. Discrimination against girl children, adolescent girls and women persists in parts of the country. Consequently, the access of women to education, health and productive resources is inadequate. Therefore, they remain largely marginalized, poor and socially excluded. There are various issues which poses myriads of challenges towards the vision of Women Empowerment. Literacy rate among women is very less. This is the major cause. In this paper, the author is going to focus on the women empowerment with various aspects.

'Empowerment of Women - Issues & Regulations'

1. Introduction:

Throughout history and in many societies in India, gender inequality was part and parcel of an accepted male-dominated culture. Atrocities and discrimination are the two major problems, which the Indian women face in the present day society. The traditional mentalities of India assume that the place of women is mainly concentrated to the household activities like kitchen work and upbringing of the children.

Women have been considered as the sex object and inferior to the men in different spheres of knowledge. The 'Sati Pratha', 'Pardah System', 'Child Marriage', 'Dowry System', etc. have been some form of atrocities and discriminatory attitude against the women.

Even after fifty seven years of Indian independence, women are still one of the most powerless and marginalized sections of

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Indian society. The democratic process in India created the awareness among the women about their plight full condition¹³.

'An enlightened woman is a source of infinite energy.'

— Swami Vivekananda

2. Empowerment of women - Meaning & Concept

Empowerment of women is a process aimed at changing the nature and direction of systematic forces, which marginalize women. A large segment of Indian womanhood still suffers deprivation and discriminatory attitudes. It is necessary to mobilize the vast women power, if the country has to progress in all spheres of development.

Empowerment of women is a long and difficult process which is to be promoted with full public support and this could be successful only when those women living at the lower strata who have been suppressed by the male dominated society taking undue advantage of their lack of education and poverty can rise up to claim their rightful place in their own society.

3. Issues of Women in Indian Society

Women's are the wealth of India and they have contributed in almost every field and made country feel proud at every occasion. They are in front, leading the country, making mile stones and source of inspiration for many. However this is the one face of coin and on the other side of coin is the hard truth of the Indian society. There is systematic discrimination and neglect from early childhood of women's in India, which could be in terms of inadequate nutrition, denial or limited access to education, health and property rights, child labour and domestic violence. The fear of sexual violence has been a powerful factor in restricting women's behavior and sense of freedom. The struggle against violence is actually the struggle against the unequal distribution of power – both physical and economic – between

13http://www.volunteeringindia.com/volunteer-women-empowerment.html//

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the sexes. It is important to address the root cause for the subordinate status of women in the Indian society. The issues need to be seen in the context of a patriarchal social framework and a value system based on 'son preference', such as the son being responsible for the carrying forward of the family name, support in old age and for performing the last rites. Further, the practice of dowry translates into daughters being considered an economic liability. Women's are not only entitled for survival but also to a life with dignity, grace and equal opportunities so that they can grow to their full potential.¹⁴.

There is an urgent need to pay attention to the issues that concern this section of population. The focus should be on poverty reduction, gender justice, health, nutrition, sustained awareness of rights and redressal, eradication of social evils etc.

a. Political Issues

The percentage of women in various levels of political activities in India have risen considerably, however women are still under-represented in governance and decision-making process. Their power is restricted. No doubt the 73rd and 74th constitutional amendment acts have provided access to women in the decision making process at the grass-root level but their representation in the Parliament and state legislatures is woefully poor¹⁵.

b. Economic Issues

Women professionals in India are facing a range of problems. Women have extensive workload with dual responsibility of profession and household and they have to balance household demands with those of their profession. Women do not receive appropriate wages for their labour.

c. Social and Cultural Issues

The socio-cultural attributes in society have left a deep mark on women empowerment in India. Parents depend on sons for

14 Essay on Problems of Women in Modern India, By Anjana Mazumdar

¹⁵ http://palakmathur.in

support in old age and looked to them as potential builders of family prestige and prosperity whereas daughters are considered to destine for others. Women's in India need and expect equal access to education, health, nutrition, employment and productive resources. In fact they are fighting for their rights to decide their own path for development.

d. Education

The female literacy rate in India is though gradually rising; it's lower than the male. Many girls drop out of school after a few years of education. Factors such as inhibition on education being imparted by male teachers to girls once they reach puberty, is responsible for drop out. Consequences are that early marriage and child birth pronounced in families of lower socio-economic status.

e. Health and Nutrition

The socio-cultural practice of women eating last in the family has eminent effect on her health especially if it is a household in low economic status. Most direct effects of poor health and nutrition among women in Indian society are high mortality rates among young children and women of child bearing age. A women health and nutrition status influence her newborn's birth weight and chance of survival.

f. Crimes against Women

Crimes against women are of various natures. It include crimes involving sexual exploitation for economic gains like prostitution & trafficking, adultery, abduction, rape, wrongful confinement, and murder etc. on the one hand and crimes related to women's property like dishonest misappropriation, criminal breach of trust, domestic violence, dowry extortion and outraging the modesty of women etc. on the other. These crimes are not only injurious and immoral for the women but for the society as a whole.

g. Domestic Violence

In Indian society, it is widely accepted that within the family

the man is the master and women is the inferior and sub-ordinate partner and societal pressure force women to maintain this status quo. Wife beating is the most prevalent form of violence against women in the Indian society and it is viewed as a general problem of domestic discord¹⁶.

h. Female Infanticide and Feticide

People resort to killing baby girls at birth, to avoid an unwanted burden on family resources. Sex selective abortion has been common in the country. It's dangerous to abort the foetus after 18 weeks of pregnancy and quiet harmful for mother too at such a late stage. Various techniques of sex determination and sex pre-selection have been discovered during the last fifteen years, such as sonography, fetoscopy, needling, chorion biopsy and the most popular amniocentesis have increasingly become household names in India.

i. Dowry

Dowry remains the major reason for discrimination and injustice towards women in India. When dowry demands are not met, it precipitates into serious consequence for the young bride. The Dowry Prohibition Act of 1961 marks the first attempt by the Government of India to recognize dowry as a social evil and to curb its practice.

The 1961 Act define dowry and makes the practice of dowrygiving and taking, a punishable offence. However, it is ridiculous
to see that even among highly educated sections; the articles of
dowry are proudly exhibited in the marriage as a status symbol.
The dowry abuse is increasing in India. The most severe is 'bride
burning', the burning of women whose dowries were not
considered sufficient by their husband or in-laws. Practices of
dowry tend to sub-ordinate women in the society.

j. Rape

Rape is the fastest growing crime in India compared to

16 "Women empowerment in India, still a distant dream", C. J. Nair,

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murder, robbery and kidnapping. There are also the countless cases of eve teasing, indecent gazes, pinching, brushes and comments that infringe upon the rights of women, especially in overcrowded spaces and public transport buses and trains. Major cities in the country have become the hub of misdemeanor because of technological reach. Mobile, cyber cafe, car, beach, mall, restaurant, hotel have become popular apparatus for the criminals¹⁷.

There is a need for a drastic change in attitudes and mindsets towards such incidents. Poor investigations, harsh cross examination of victims, senseless adjournment of cases and faulty assessment of evidence and furnishing of evidence by victims in presence of culprits are areas that need reforms.

4. Constitutional and Legal Provision for Women Empowerment

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cummulative socio-economic, education and political disadvantages faced by them.

Constitutional Provisions for women are as under -

Article 14 - Men and women to have equal rights and opportunities in the political, economic and social spheres.

Article 15(1) - Prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc.

Article 15(3) - Special provision enabling the State to make affirmative discriminations in favour of women.

Article 16 - Equality of opportunities in matter of public appointments for all citizens.

Article 39(a) - The State shall direct its policy towards

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securing all citizens men and women, equally, the right to means of livelihood.

Article 39(d) - Equal pay for equal work for both men and

women.

Article 42 - The State to make provision for ensuring just and humane conditions of work and maternity relief.

Article 51 (A)(e) -To renounce the practices derogatory to

the dignity of women.

Article 243 D(3) - Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayats to be reserved for women and such seats to be allotted by rotation to different constituencies in the Panchayats.

Article 243 (T)(3) - Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in the Municipality.

Legal Framework for women is as under -

a. Factories Act, 1948 :

Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women except between 6 A.M. and 7 P.M.

b. Maternity Benefit Act, 1961 :

A Woman is entitled 12 weeks maternity leave with full wages.

c. The Dowry Prohibition Act, 1961:

Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence. An amendment brought in 1984 to the Dowry Prohibition Act of 1961 made women's subjection to cruelty a cognizable offence. The second amendment brought in 1986 makes the

husband or in-laws punishable, if a woman commits suicide within 7 years of her marriage and it has been proved that she has been subjected to cruelty. Also a new criminal offence of 'Dowry Death' has been incorporated in the Indian Penal Code.

d. The Equal Remuneration Act of 1976:

This act provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.

e. The Child Marriage Restrain Act of 1976:

This act provides the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.

f. The Medical Termination of Pregnancy Act of 1971:

The Act safeguards women from unnecessary and compulsory abortions.

e. Amendments to Criminal Law, 1983 :

Which provides for a punishment of 7 years in ordinary cases and 10 years for custodial rape cases?

f. The National Commission for Women Act, 1990 :

The Commission was set up in January, 1992 to review the Constitutional and legal safeguards for women.

g. Protection of Women from Domestic Violence Act, 2005:

This Act protects women from any act/conduct/omission/ commission that harms, injures or potential to harm is to be considered as domestic violence. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse.

h. Hindu Marriage Act of 1955:

The amendment in 1976 provides the right for girls to repudiate a child marriage before attaining maturity whether the marriage has been consummated or not.

i. The Immoral Traffic (Prevention) Act of 1956:

The amendment in 1986 makes the sexual exploitation of

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male or female, a cognizable offence. It is being amended to decriminalize the prostitutes and make the laws more stringent against traffickers.

j. Medical Termination Pregnancy Act of 1971 :

This Act legalizes abortion by qualified professional on humanitarian or medical grounds. The maximum punishment may go up to life imprisonment. The Act has further been amended specifying the place and persons authorized to perform abortion and provide for penal actions against the unauthorized persons performing abortions. The Child Marriage Restrain

k. Indecent Representation of Women (Prohibition) Act of 1986 and the Commission of Sati (Prevention) Act, 1987:

This Acts have been enacted to protect the dignity of women and prevent violence against them as well as their exploitation. 1. The Protection of Women from Domestic Violence Act, 2005:-

This provides for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto. It provides for immediate and emergent relief to women in situations of violence of any kind in the home.

5. Government Special initiatives for women

i. National Commission for Women

In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

ii. The National Plan of Action for the Girl Child (1991-2000)

The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

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iii. National Policy for the Empowerment of Women, 2001

The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a "National Policy for the Empowerment of Women" in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

6. Women Empowerment - Reality & Myth

There is still a great divergence between the constitutional position and stark reality of deprivation and degradation. They still have been living in miserable conditions, steeped in poverty, ignorance, superstition and slavery. There still exists a wide gulf between the goals enunciated in the Constitution, legislations, policies, plans, programmes and related mechanisms on the one hand and the situational reality on the status of women in India, on the other.

Women are being brutalized, commoditized, materialized and subjected to inhuman exploitation and discrimination. Although, gender discrimination has been banned by the Constitution and women have been guaranteed political equality with men, yet there is a difference between the constitutional rights and the rights enjoyed in reality by women.

Even after half a century of independence, barring a few exceptions, women have mostly remained outside the domain of power and political authority. Although they constitute about half of the citizen and over the years their participation by way of voting has increased, yet their participation and representation in law making and law implementing bodies are not very satisfactory¹⁸.

7. Suggestions

Only legislation and law enforcement agencies cannot prevent the incident of crime against women. There is need of social awakening and change in the attitude of masses, so that due

¹⁸ A Rights-Based Approach To Realizing Gender Equality, Professor Savitri Goonesekere.

respect and equal status is given to women. It's a time when the women need to be given her due. This awakening can be brought by education campaign among youth making them aware of existing social evils and the means to eradicate same.

Mass media can play an active role here as in the present days it has reached every corner of the nation. Various NGOs can hold a responsible position here by assigning them with the task of highlighting socio-economic causes leading to such crimes and by disseminating information about their catastrophic effect on the womanhood and the society at large.

8. Conclusion:

Twenty first century has brought in its trail a new hope for women. Dramatic changes have happened in the role, ambitions and attitude of women in the last few decades of twentieth century. Women have departed from their traditional role of reproducers, mothers and wives only. From a non-entity, they have been able to establish an identity of their own in the modern society.

"To awaken the people, it is the women who must be awakened. Once she is on the move, the family moves, the village moves, the nation moves."

- Pandit Jawaharlal Nehru.

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