**EMPOWERING COMMON WOMAN THROUGH LEGAL EDUCATION: AWARENESS IS THE BEST REMEDY**

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INTRODUCTION

From the ancient time, India had observed many regards for women. In many time-periods it's observed as having very high respect for women and many time-periods having very deteriorated attitude for women with respect to their dignity, status and their rights. If we take examples from ancient time, our goddess like Laxmi, Saraswati, Durga/Amba, Parvati, Sita etc. or women with ruling attitudes like Rani Laxmibai, Jijabai, Jodha, Raziya Sultana etc. show the high respect for women and their status as very strong woman which were carrying the power for liberty to take decision by themselves at some extent. Looking to the other side of the coin, women were badly treated under the rituals of non-acceptance of girl-child, Sathi pratha, child-marriage and forbiddance of widowers. These trends later on disappeared gradually.

But after independence in India also, women were not able to celebrate their freedom, respect, dignity or decision making due to the rise to the new issues of dowry system, malnutrition, increase in women sex-workers due to poverty, less opportunity for girls' education/employments etc. Gradually, these in-equalities realized and then Indian constitution started to pay attention to demolish such in-equalities/crimes against women and to empower the women by making separate legal provisions for their rights and equality in the society. Still we can say that today also in this 21st century, Indian women are not fully enjoying their life in terms of their independent status or respect due to rise of new kinds of

issues like Rape threats, Domestic-Violence, Sexual-Harassments, Marriage related issues, Sex-determinations, Employment related issues etc. To address these issues/crimes against the women, Indian government had structured and also structuring various policies within the framework of social/legal/economical aspects for equality as well the empowerment of the women at/of all levels. In the next sections, many relevant points are enlightened.

CONCERNS BY GOVERNMENT OF INDIA (GOI) FOR WOMEN EMPOWERMENT/S

Empowerment, in general one can define as that to have capability or ability to enjoy the full control over one's decision or action. While in the context of women, it needs to rethink that in today's 21st century, how much and how many women are empowered and in what sense also. Empowerment of women in India can be observed by many live examples but that figure is not too large.

According to 2001 census, Women in India constitute 48% of the total population of the country. So as a big group, its empowerment makes difference in the overall progress and development of the country. After independence, constitution of India started to frame various Five Years Plans (FYP) as developmental strategies to implement developmental programs for country. Through these plans, GOI has been shown the positive concerns for many women issues which have been also measured within these FYPs. From First Five Year Plan (1951 – 1956) to till Eleventh Five Year Plan (2007 – 2012), many issues of the women welfare related with health, poverty, wealth, education, maternal, social welfare, equality, economic/financial, increase in sex ratio etc. addressed to encourage women-empowerment.

With the declaration of year 2001 as the 'Women Empowerment Year', GOI set some strategic goals for the development of the women with aspects of social, economical, legal, political, cultural and civil. The National Policy for Empowerment of Women (NPEW) (2001), was envisaged as a comprehensive framework which is progressive and forward looking in nature. The NPEW (2001) laid down detailed prescriptions to address discrimination against women, strengthen existing institutions which includes the legal system, provide better access to health care and other services, equal opportunities for women's participation in decision-making, and mainstreaming gender concerns in the development process, to name a few. It specifically highlighted the following:

- The advancement, development and empowerment of women in all spheres of life.
- Introduction of more responsive judicial legal systems that is sensitive to women's needs
- Ensuring women's equality in power sharing and active participation in decision making.
- Mainstreaming a gender perspective in development process.
- Strengthening and formation of relevant institutional mechanism.
- Partnership with community based organizations; and
- Implementation of international obligations, commitments and cooperation at the international, regional and sub-regional level.

With various developmental objectives outlined through Five Year Plans and policies have been developed under many schemes/welfare programs for the women empowerment. Various schemes/programs implemented by GOI time-to-time like Swawlamban by Norwegian Agency for Development Corporation (NORAD), Support to Training and Employment Programme (STEP), Swa-Shakti, Swadhar, Swayamsiddha, Act for Protection from Domestic Violence, Construction of Working Women Hostels, Creches, Compensation to Rape Victims etc. such as plan of actions to face challenges coming across women empowerment. But looking to today's scenario, inspite of many developmental programs, GOI is yet unable to reach completely to the desired goal of women-empowerment due to many challenges yet to overcome. Among them, one of the major challenges is to prevent women from violence and crimes increasing in various forms against them. The next section is focusing on the said issue/challenge.

CRIMES AND VIOLENCE AGAINST WOMEN

Day by day crimes and threats against women are increasing. Major crimes are identified by the MWCD(2006) as the '**Crimes Against women-** gender specific crimes identified under the Indian Penal Code (IPC)' include:

- a) Rape, including custodial rape (Sec. 376 IPC)
- b) Kidnapping, importation of girls (up to 21 years of age), selling minors for the purpose of prostitution abduction for different purposes, abducting or inducing woman to compel her marriage (Sec. 363-373)

- c) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- d) Cruelty within the marital home - Torture, both mental and physical (Sec. 498-A IPC)
- e) Molestation and outraging the modesty of a woman (Sec. 354 IPC)
- f) Provisions relating to obscenity, Sexual Harassment (Sec. 509 IPC)
- g) Causing miscarriage

A report on the crimes against women by the National Crime Records Bureau (NCRB) comes up with some alarming statistics is tabulated in table-1 as:-

The total cases registered under various crimes and their conviction rate during 2002-04 is given in the table-1 below:

Table – 1 : Record of crimes conducted against women during 2002-2004

Sl No.	Nature of Crime	2003		2004		2005	
		Cases Regd.	Conviction Rate	Cases Regd.	Conviction Rate	Cases Regd.	Conviction Rate
1	Kidnapping & Abduction	13,296	23.6	15,578	24.2	15,750	25.3
2	Dowry Death	6,208	32.4	7,026	32.1	6,787	33.4
3	Dowry Prohibition Act	2,684	21.2	3,592	25.0	3,204	25.5
4	ITPA	5,510	86.7	5,748	84.8	5,908	82.2
5	Importation of Girls	46	11.1	89	6.3	149	34.8
6	Sexual Harassment	12,325	62.9	10,001	60.5	9,984	53.5
7	Rape	15,847	26.1	18,233	25.2	18,359	25.5
8	Molestation	32,939	30.2	34,567	30.9	34,175	30.0
9	Cruelty by Husband & Relatives	50,703	18.1	58,121	21.5	58,319	19.2
10	Indecent Representation of Women	1,043	76.7	1,378	90.0	2,917	94.3

(Source : <http://wcd.nic.in/>)

During this period, the crime clock maintained by the NCRB reveals a shocking figure of:

- 1 Crime Committed Against Women - every 3 Minutes
- 1 Molestation case - every 15 Minutes
- 1 Rape case - every 29 Minutes
- 1 Sexual Harassment case - every 53 Minutes
- 1 Dowry Death case - every 77 Minutes

- 1 Cruelty by Husband and Relatives case - every 9 Minutes

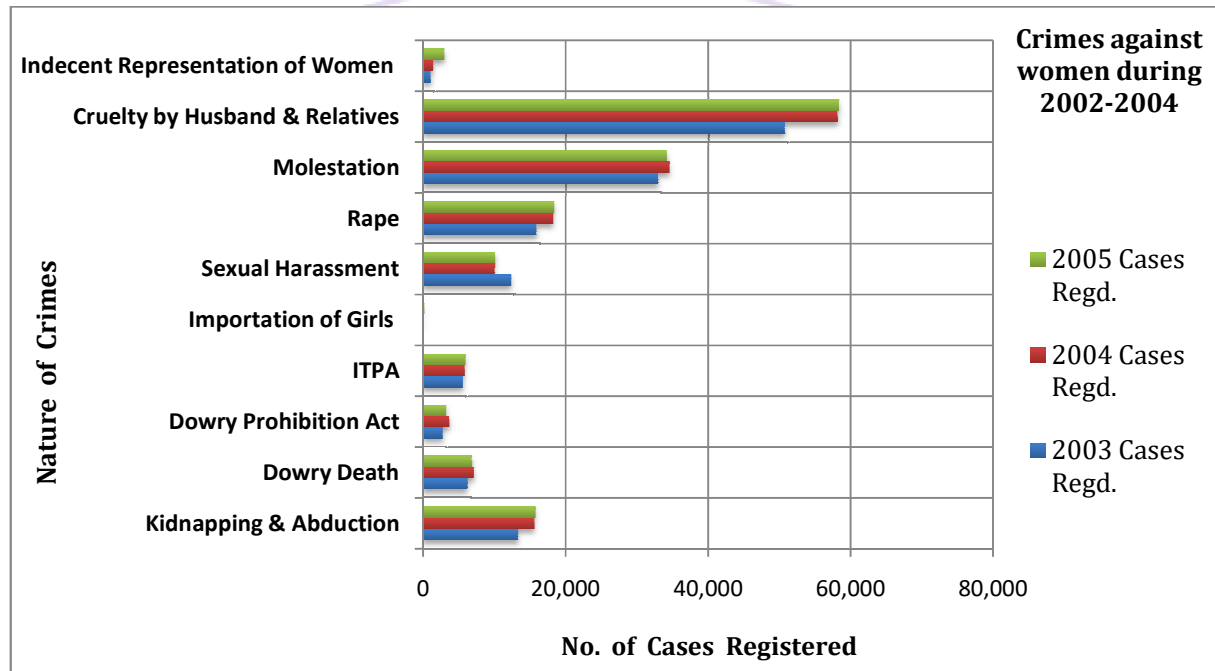


Figure – 1 : Graphical view on crimes conducted against women during 2002-2004

The next scenario, the total cases registered under various crimes during 2006 - 2012 is given in the table-2 below:

Table-2 : Record of crimes conducted against women during 2006-2012

Sl No.	Crime Head	Year 2006	Year 2007	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	Percentage Variation in 2012 over 2011
1	Rape (Sec. 376 IPC)	19,348	20,737	21,467	21,397	22,172	24,206	24,923	3.0
2	Kidnapping & Abduction (Sec. 363 to 373 IPC)	17,414	20,416	22,939	25,741	29,795	35,565	38,262	7.6
3	Dowry Death (Sec 302/304 IPC)	7,618	8,093	8,172	8,383	8,391	8,618	8,233	-4.5
4	Torture (Sec. 498-A IPC)	63,128	75,930	81,344	89,546	94,041	99,135	1,06,527	7.5

Sl No.	Crime Head	Year 2006	Year 2007	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	Percentage Variation in 2012 over 2011
5	Molestation (Sec. 354 IPC)	36,617	38,734	40,413	38,711	40,613	42,968	45,351	5.5
6	Sexual Harassment (Sec. 509 IPC)	9,966	10,950	12,214	11,009	9,961	8,570	9,173	7.0
7	Importation of Girls (Sec. 366-B IPC)	67	61	67	48	36	80	59	-26.3
8	Sati Prevention Act, 1987	0	0	1	0	0	1	0	-100.0
9	Immoral Traffic (Prevention) Act, 1956	4,541	3,568	2,659	2,474	2,499	2,435	2,563	5.3
10	Indecent Representation of Women (Prohibition) Act, 1986	1,562	1,200	1,025	845	895	453	141	-68.9
11	Dowry Prohibition Act, 1961	4,504	5,623	5,555	5,650	5,182	6,619	9,038	36.5
	Total	1,64,765	1,85,312	1,95,856	2,03,804	2,13,585	2,28,650	2,44,270	6.8

(Source : <http://www.womenempowermentinindia.com/>)

[A total of 2,44,270 incidents of crime against women (both under IPC and SLL) were reported in the country during the year 2012 as compared to 2,28,650 in the year 2011 recording an increase of 6.4% during the year 2012. These crimes have continuously increased during 2008 – 2012 with 1,95,856 cases in the year 2008, 2,03,804 cases in 2009 and 2,13,585 cases in 2010 and 2,28,650 cases in 2011 and 2,44,270 cases in the year 2012. West Bengal with 7.5% share of country's female population has accounted for nearly 12.7% of total crime against women by reporting 30,942 cases during the year 2012.]

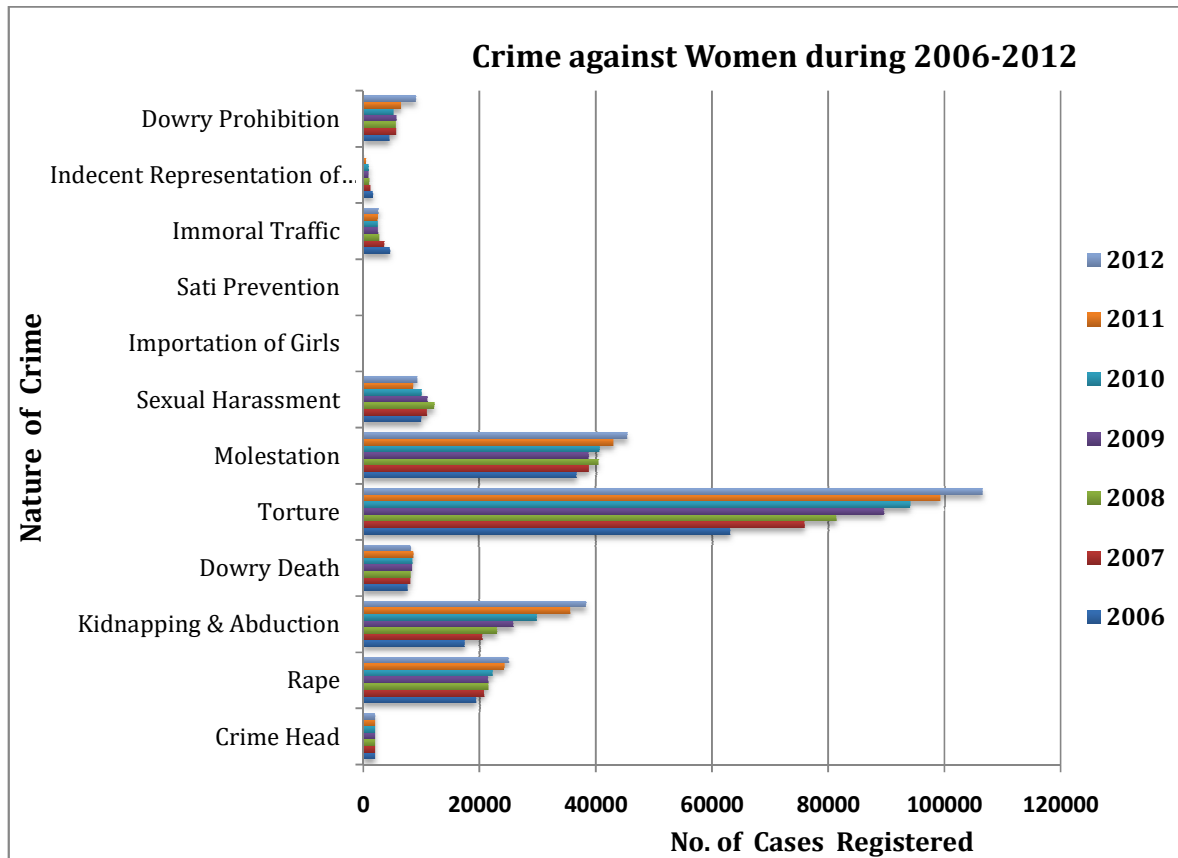


Figure – 2 : Graphical view on crimes conducted against women during 2006-2012

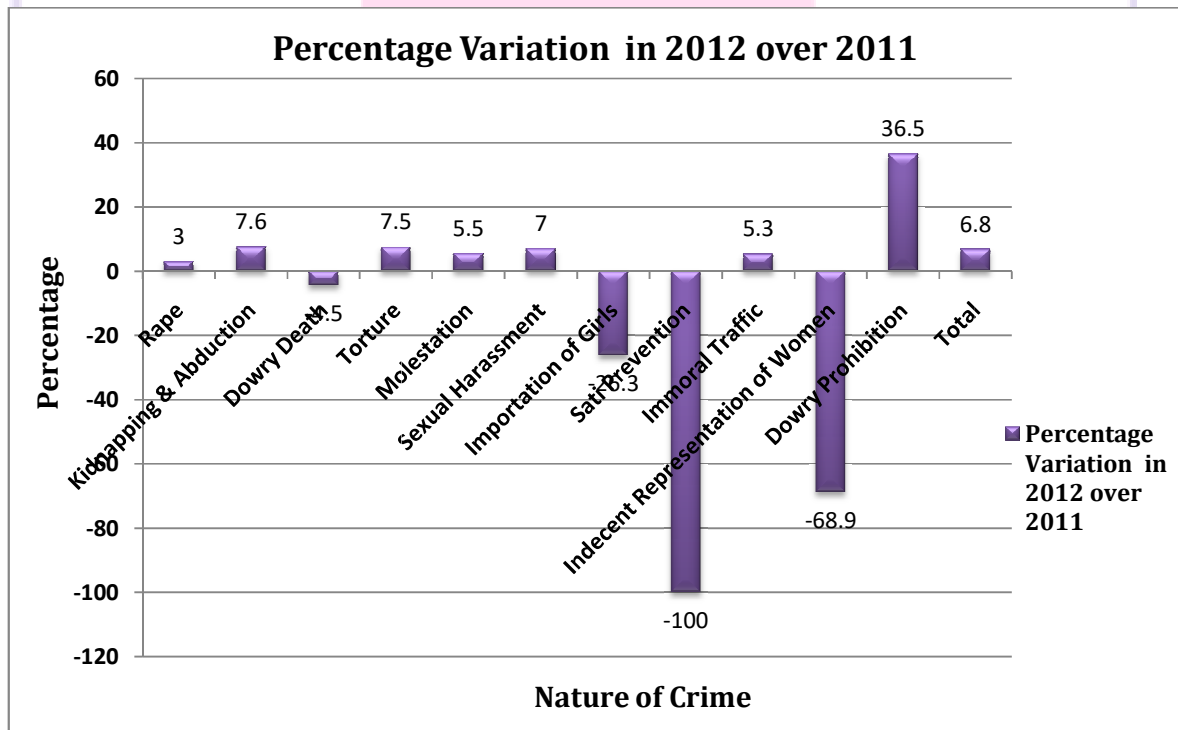


Figure – 3 : Graphical view on Percentage Variation in 2012 over 2011

From the table-1,2 and from the graphs-1,2,3 it can be easy to understand that major of the crimes are (i) Domestic Violence i.e. Torture, cruelty by husband & relatives; (ii) Molestation; (iii) Rape and the (iv) Kidnapping & abduction. Now, it raises the concerns that how to reduce these kind of crimes/violence against women. Moreover, there are many laws formulated by the Indian Constitution but we are lacking in practicing it. Following section is giving brief insight about the constitutional/judicial provisions made in the benefit of the women empowerment.

JUDICIAL PROVISIONS FOR WOMEN WELFARE/EMPOWERMENT

Identification of women with respect to their rights, status, respect and dignity in the society can be acquired through constitutional/legal provisions only is realized and so various laws framed to incorporate in policies. As per the report drafted for women-empowerment by the Ministry of Women and Child Development (MWCD) (2006), constitutional articles and laws relating to women can broadly classified under the following categories:

- 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 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.

Specific Legislation On Gender Based Issues

- 1) Dowry Prohibition Act, 1961 (28 of 1961)
- 2) Child Marriage Restraint (Amendment) Act, 1979
- 3) Protection of Women from Domestic Violence Act 2005.
- 4) Commission of Sati Prevention Act 1987 (3 of 1988)
- 5) Indecent Representation of Women (Prohibition) Act, 1986
- 6) Immoral Traffic (Prevention) Act, 1956
- 7) Pre-conception and Pre-natal Diagnostic Technique Act, 1994
- 8) Medical Termination of Pregnancies Act (1971)
- 9) Supreme Court guidelines on the prevention of sexual harassment at the workplace (1997)
- 10) Equal Remuneration Act, 1976
- 11) Maternity Benefit Act (1961)
- 12) National Commission for Women's Act (1990)
- 13) Hindu Marriage Act, 1955
- 14) The Marriage (Amendment) Act, 2001

Other Laws Impacting On Women's Rights

- Labour statutes such as -
Equal Remuneration Act, 1976, Contract Labour (Regulation and Abolition) Act 1970, Minimum Wages Act 1948, Factories Act 1948, Workmen's Compensation Act, 1923
- Criminal and civil procedural laws –
such as Code of Criminal Procedure (1973), Code of Civil Procedure (1908), Indian Evidence Act (1872).
- Legal Services Authorities Act, 1987.
- Personal laws on marriage, property rights, guardianship and custody rights, maintenance.
- Supreme Court guidelines on the compulsory registration of marriages.

Legal Aspects Emphasized In Futuristic Five-Year Strategic Plan (2011 – 2016)

Five-Year Strategic Plan (FYSP) (2011 – 2016) given by Ministry of Women and Child Development, Government of India where Legal/judicial aspects for women empowerment

have been stressed. According to FYSP(2011-2016), following points are undertaken to cater with developmental strategies to implement in the benefit of women.

- ❖ Legislation on Violence against Women
- ❖ Review of Existing Laws
- ❖ Enactment of New Laws : Sexual Harassment at the Workplace
- ❖ Strengthening Implementation of Laws
 - Formulation of Integrated Women's Protection Scheme
 - Capacity-building of implementing agencies
 - Strengthening mechanisms and systems for receiving critical inputs/feedback from implementing agencies
- ❖ Schemes for addressing Violence against Women
 - Financial Assistance and Support Services to Victims of Rape: A Scheme for Restorative Justice
 - One Stop Crisis Centre for Women
- ❖ Women's Right to Land and Property

Women's rights to equality shall be realized only if women are encouraged to assert their rights in a court of law. In order to achieve this objective, there is need to ensure a woman's access to legal aid services. The Legal Services Authority Act was enacted in the year 1987. Section 12 of the Legal Services Authorities Act, 1987 includes women as a category eligible for free legal aid in its list of eligible persons. (MWCD, 2006).

NECESSITY TO ENCOURAGE FOR LEGALLITERACY AMONG WOMEN& ALL

Inspite of many provisions, Legal aid to a woman however still remains a distant dream in our country. Further evenif a woman decides to approach the court she is beset with many hurdles like the qualityof legal aid, attitude of the implementing bodies and the lengthy period of judicialprocess etc. Hence, to achieve these goals, many recommendations pointed in the report-draft prepared by MWCD. Here, only some of the recommendations in the context of legal education highlighted as:

- ❖ Respective states to carry out legal awareness programmes in collaboration withNGO's working at the grassroots levels..
- ❖ Training manuals to be developed for wide dissemination.

- ❖ Publicity of legal aid schemes and programmes to make people are about legal aid policies.
- ❖ Legal awareness training should be provided for women leaders in the grass root, district and block levels
- ❖ There should be regular dissemination of information on status of various legal Reforms

Our Indian culture teaches the lessons of 'Tolerance in any circumstances' to the women. It may be true at some extent but not always. And it seems to that major of the Indian common women are not able to realize whether they are living with injustices or not. And if many of them realized than they don't have any knowledge about how to proceed further for legal approach. Many times it happens that people misguide such victim women with the intension of money or other. In such situation, if a woman is legally literate than it becomes easy for her to survive from legal fight/s. Means to say that if a woman having some basic knowledge about constitutional laws than she may develop sensitization or realization for the crimes/violence/injustice may occur in her life and she make-up herself to prevent herself or at least she will reach to the right approach for legal help.

To spread awareness about legal services and practices, education should become the institute to effectively to educate women with legal literacy. Legal Education/Legal Literacy means to the knowledge/education given based on legal aspects like :

- Awareness about our all legal rights
- Awareness on beneficiary schemes/plans/programs provided by government or other
- Awareness of basic laws made to prevent from crimes/threats
- Awareness on available legal facilities
- Awareness on whom to approach for legal fights or during legal crisis
- Awareness on how to survive from legal crisis
- Awareness on to follow ourselves honestly within the boundaries of law and order

GOI has need to focus and think to incorporate law/judicial based knowledge in the school/higher education in terms to increase the rate of legal literacy among women as well among all. Awareness is the best remedy as to prevent ourselves to become a victim or accuse for any kind of crime or threats.

CONCLUDING REMARK

Empowerment means to have freedom, liberty to think – speak-to take decisions-to live with our desires. But looking to the Indian structure or culture from where women spend their lives can be generalized as intrinsically they are dependent on the male member/s with the sense of security, social bounding or economical perspectives or other reasons may be. This is not only true for uneducated/illiterate women but for many well educated/literate also. And this seems to be lacking in women for not having proper knowledge for their self-rights, legal-rights, having clear understanding about their abuse, where to/not to take emotionally and how to/not to fight legally.

Every woman can be empowered by having a proper legal knowledge / legal literacy through which it can develop clear understanding about having their respect and status at any level. Legal Education / Legal Literacy means to the knowledge/education given based on the legal aspects like : Awareness about our all legal rights; awareness on beneficiary schemes/plans/programs provided by government or other; awareness of basic laws made to prevent from crimes/threats or to fight against injustice; awareness on available legal facilities; awareness on whom to approach for legal fights or during legal crisis; awareness on how to survive from legal crisis; awareness on to follow ourselves honestly within the boundaries of law and order and many more.

Emphasizing for giving legal education to women with the intension that awareness/realization for themselves serves as the best remedy to empower each and every woman of any country.

।।बेटी बचाओ,बेटी पढाओ, उसे कानूनी ज्ञान से अवगत कराओ ।।

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Paper Received : 25th April, 2017

Paper Reviewed : 17th May, 2017

Paper Published : 1st June, 2017



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