



## WOMEN EMPOWERMENT THROUGH LAW AND LEGAL AWARENESS - A SOCIO LEGAL STUDY

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### Abstract

Women are an integral part of a society. Women have become equal participants in many respects at all levels of society and they play an important role in determining the destiny of a nation. Empowering the women has become the focus of considerable discussion and attention all over the world as well as associated with research in many educational disciplines including that of adult education. Today women is stigmatized and rebuked by the family and society. This paper highlights the importance of law and legal awareness in the development of women in present society. Legal awareness empowers women by informing them about their rights and protections against discrimination and exploitation. The paper also discusses various constitutional provisions that promote equality, dignity, and empowerment of women. It concludes that legal knowledge is essential for women's social, economic, and personal development and suggests the need for increased legal education and awareness programs to ensure effective implementation of laws.

**Key words :** Women Empowerment, Legal awareness, Constitutional Provisions to women Development

*“Woodrow Wilson”, President of USA stated that “I do not see how anyone can possibly understand the law or know anything or it, expect memoriter, without getting a clear idea of how it is in fact generated in society and adapted from age to age to its immediate needs and uses”.*

### Introduction

Law is meant for Public safety in every corner of life, so one should utilise it with proper awareness. All Indians together have expelled the British rulers from India with unity and patriotism. After independence the first prime minister onwards no proper steps are taken to educate the people of India. Government of India, after liberated from the clutches of British reign, has been spent more efforts and money on educational programmes like adult education, aniyatha vidya (education) and night schools but in vain. Without proper education one cannot understand any subject contextually. So to understand the legal system minimum education is need of the hour. Lack of minimum literacy many people were living in superstitions. Most of the parents do not allow girl children to school because there is no protection, as we have witnessed many brutal killings of innocent women namely Nirbaya, Ayesha Meera, Prathyusha, Priyanka Reddy etc. So creating of legal awareness among all people is immediate need in India. Literacy will give awareness in all aspects of life. Legal awareness is pioneer to understand the legal rights, duties and empowers the men and women to question the authorities when they are at fault in their responsibilities<sup>1</sup>. Without legal awareness, a democratic country will not be successful, because success of democratic country has been depended upon legal awareness of the citizens. Development of democratic country depends on participation of all citizens in all aspects for which legal awareness is inevitable.

Justice and equality are the goals of law. Law is a means to end with justice. Law is an instrument to source of justice. Justice is equal treatment to all situations alike. A person situated in different stand, positions or levels cannot be treated alike, equality among unequal amount to inequity. Law is a body of rules enacted by legally authorized bodies and enforced by the authorized agencies Legal awareness is crucial for empowering women in India, enabling them to assert their rights and seek justice. Understanding laws related to domestic



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violence, workplace harassment, and property rights helps women combat discrimination and violence effectively. It fosters economic independence and social participation, ultimately promoting gender equality<sup>2</sup>. Programs that enhance legal literacy can bridge gaps in education and access to justice, especially in rural areas where traditional norms may prevail. By equipping women with knowledge, society benefits as they become informed advocates for themselves and their communities.

## Law is an instrument for social change

There are various ways to see the relationship between society and the law. The legal system and its sociocultural connections; the role of law as a modernization and social change agent; and the nature of societal complexity and the integration issues that accompany it. All of these levels of interaction between society and the law would need to be addressed by legal sociology. The ideology of social change which has been adopted by India after independence is enshrined in the constitution. it incorporates the elements of both liberal democratic values and the Gandhian values of social change.

The social impact of the crime, where it relates to offences involving moral turpitude or moral delinquency which have great impact on social order and public interest, cannot be lost sight of and per se require exemplary treatment. Law is a rule of human conduct, imposed as well as enforced by state. It deals with rules concerning external behavior of subjects. The law is instruments which help the people to co- exist peacefully in an orderly manner.

Social advancements are a result of the law's dynamic character. As a result, the law must adapt to the shifting demands of society. However, what is law? What function does society's legal system serve? To comprehend legislation as a tool for implementing social change in any community, these topics must always be viewed from a sociological perspective. Any civilization can experience either slow, evolutionary progress or sudden, revolutionary change. The most prevalent type is continuous change. In order to achieve the desired transformation, time training, introduction, and the possibility or actuality of punishments were all essential components.<sup>3</sup>

## Importance of Legal Awareness in Modern Society

In fact the legal awareness or public legal education is given an utmost importance by the human community across the globe. Without law and legal awareness or knowledge of law, one can't go a step ahead in his life. The 21st century is known as an ultramodern era where man has been attained knowledge up to the mark in almost all disciplines among which the law is primary one where all kinds of rights and duties and the concept of establishment of a welfare society is given a prime place and also special status for peaceful, protected life and living conditions among the human community. If there is no awareness regarding the present laws of land, no one can approach the court of law or a counsel for the redressal of legal problems, such people should endure the legal problems silently and they have to waive of their legal rights violated by fellow beings even without reasonable cause. People without legal awareness cannot confront any kind of social evils, anti-social activities and cannot question the political and executive authorities if they are not up to the mark while they are rendering public services. So Ignorance of the law and unawareness put the people in the dark<sup>4</sup>. The legislature has been enacting laws from time to time according to the changing trends and needs of human society to establish a welfare society. The judiciary is also doing best efforts in creating legal awareness through proper and contextual



interpretation of the enactments made by the legislature to quench the legal needs of the human community. So the concept of legal awareness has assumed a significant role and recognition in this universe. There is no area left uncovered by law. The law has been protruded into such places where there are no traces of human existence. Ex: 1) In the sky 2) In sea water 3) On the Earth.

## Role and Importance of Legal Awareness in Everyday Life

Everyone should know that how the basic legal awareness is useful in everyday life, many people who are educated, and also employees who are not able to understand the need and importance of legal awareness. Many are under such presumption that law itself is root cause for the problems among the human community. But the great thing is that, all such people are being protected by law which they didn't know. The minimum legal awareness helps people not to commit any wrong towards anybody, helps to understand laws of one's own mother land, and also to defend against illegal allegations, helps not only to break the existing laws but also to respect the laws of the land. If anyone has violated laws knowingly or unknowingly, they will be held liable. According to Latin maxim "*Ignorantia juris non excusat*" which mean "Ignorance of law has no excuse." After India has passed from bondage into freedom at the midnight hour of 14<sup>th</sup> and 15<sup>th</sup> august, 1947, a job of equal status and significance was being adopted by Constituent Assembly in drafting the document which has been adopted as Constitution of India.

The Drafting Committee, headed by Dr. B. R. Ambedkar took into account the various problems that a nascent democracy would have to possibly face and came out with a document which is one of the finest instruments for democratic governance and has stood the test of time despite the rapidly changing socio-economic order. On 26<sup>th</sup> November, 1949 the people of India gave themselves the Constitution with the object of constituting a sovereign, democratic republic and to secure to all its citizens social, economic and political justice, liberty of thought, expression, belief, faith and worship; equality of status and opportunity and to promote among all its citizens fraternity to ensure the dignity of the individual and to maintain the unity and integrity of the nation. Albeit, the principles of a socialist and secular society is engrained in the Constitution the 42<sup>nd</sup> Amendment of the Indian Constitution, in the year 1976, included the expression "socialist" and "secular" in the Preamble to give a complete meaning to the hopes and aspirations of the people of India. Even though the Indian legal system has provided Constitutional rights, consumer rights, and other procedural rights for all citizens irrespective of caste, colour, creed, age, sex, language, tradition and culture. So if there is no public legal education or minimum legal awareness, all legal rights are vain. The least legal awareness is needed so that everyone could utilise the legal mechanism for their personal legal problems. Since entire globe is under the influence of internet, everyone must have awareness regarding the laws relating to cybercrimes, not to be cheated and involved in cybercrimes.

## The benefits of legal awareness

Legal literacy therefore, is seen as a tool to bring about qualitative change from the gross root level. It has been witnessed that better awareness of laws helps the people to work more effectively in diverse shapes. The failure of execution of many laws have been attributed more loss to the beneficiaries. Legal awareness programmes will make the people to know about their fundamental rights, empower them and ascertain their legal rights and benefits and privileges guaranteed by the Indian constitution to live in dignity as citizens of the country.



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## Legal awareness for Social Empowerment:

The greatest democracy in the world, India, has a growing need to raise awareness of rights as knowledge so that people live in accordance with the actual rules of democracy and the rule of law. Knowledge of the law is power and aids in self-relation. Commonly, legal literacy and education refer to understanding the fundamentals of the law. People may identify and confront injustices much more powerfully when they are aware of what the law has to offer, especially those who belong to marginalized or poor groups.

Legal literacy is the first step in understanding the law, which has the power to change people's lives. There are several ways that public legal education helps the government accomplish its social justice objectives. By assisting people in understanding the law and motivating them to interact with the legal system to obtain crucial information for their everyday lives, public legal education promotes respect for the law. Through such involvement, harmful social myths are dispelled and individuals are able to observe how the law treats everyone equally. A general sense that wrongs can be righted for the individual and for community's leads to a greater sense of social justice. Perceptions of fairness and equality also help build community chosen and mutual trust within and between groups , and reduce social exclusion 6.

## Indian Scenario:

Around 35 % of India's population is illiterate. Majority of India's population are illiterate. Majority of Indians live in Villages. Bulk of the illiterates is also in the rural areas, where social and economic barriers play an important role in keeping the lowest strata of society illiterate. Literacy is an indispensable means for effective social and economic participation, contributing to human development and poverty reduction. Even those who are literate are helpless and confused when there is a violation or infringement of a right enforceable in law.

## Women Empowerment Through Legal Awareness

The concept of legal awareness/aid is the very spirit of equality and its movement is dedicated to the principle of equal justice to the poor. Equal justice of fair treatment within the purview of judicial process implies an easy access to courts and other governmental agencies on the basis of equality. Therefore, it is necessary to spread social awareness for women's equality even in the most remote places. Only limited remedial measures may be offered by courts, commissions, or watch groups; what we really need right now is a redesigned system that promotes gender justice and equality so that women can live healthy, respectable, and brave lives. Regarding India, it must be acknowledged that although the society is rather stable, it is also patriarchal, restricted, and stratified. Over the years, inequities and dole dependency have been mirrored in the pattern of development in the areas of social security, welfare, and social-services. The constitution's fundamental rights such as the freedom of speech, expression, belief, and faith; the right to live a decent life; the right to education that promotes individual excellence and scientific temper; humanism; the right to pursue one's own vocation, etc. are made available to develop one's personality as an individual and are realized in reality.

The fundamental rights and the directive principles are the humanistic principles by which the citizens of India may lead an equal life. The purpose of the constitution is to provide political, social and economic justice to the people of India. The part -III of constitution of India provides true justice to the people to maintain equilibrium among the citizens. When interpreting statutes, the judiciary may take a liberalistic stance in an effort





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to give the people the most justice possible. Since the United Nations' founding in 1945, which has as its primary goal the reaffirmation of its belief in fundamental human rights, the worth and dignity of every human being, and the equality of men and women as well as of nations of all sizes, human rights have become a reality. By using judicial interpretation, our Supreme Court broadened the definition of essential rights, including those found in Articles 14, 19, and 21 that were not specifically mentioned in Part III of the Constitution.

The Indian Constitution aims to promote "welfare idealism," which encompasses a broad spectrum of the country's citizens' socioeconomic ambitions. The founding fathers thought that the greatest way to assess the state's usefulness would be to look at how it affected the welfare of the average person. They committed the nation to ensuring "social, economic, and political justice; liberty, equality, and dignity to all its citizens."<sup>7</sup>

Law affects the people, the society, and the nation, every citizen is expected to know the legal issues of the land and it should be accessible to everyone. To achieve that very objective and make the law understandable, its horizon in accordance with different situations, providing legal awareness to the people becomes the need of the hour. The quality and knowledge based legal awareness is to be imparted to the people taking into consideration the changing needs of the society in the light of globalization. Knowledge transmission has grown more and more crucial to the growth and development of a modern society. As knowledge becomes more complicated, so do the methods by which it is communicated. One instrument that promotes harmonious, orderly coexistence between people is the law. The goal of the law is justice and equality. The aim of the law is justice. Justice can be obtained by the use of the law. The goal of justice is to treat everyone fairly. Treating people equally would be unfair because they are in different positions, standing, or levels.

## **Constitutional Provisions 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. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women.

- ❖ Equality before law for women (Article 14)
- ❖ The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))
- ❖ The State to make any special provision in favour of women and children (Article 15 (3))
- ❖ Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
- ❖ The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))
- ❖ To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A)
- ❖ The State to make provision for securing just and humane conditions of work and for maternity relief (Article



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- ❖ The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)
- ❖ (ix) The State to raise the level of nutrition and the standard of living of its people (Article 47) (x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))
- ❖ (xi) 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 Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3))
- ❖ (xii) Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))
- ❖ (xiii) 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 a Municipality (Article 243 T (3))
- ❖ (xiv) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4))

## Legal Provisions

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services specially to working women. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories. (1)The Crimes Identified Under the Bharatiya Nyaya Samhitha previously Indian Penal Code (IPC)

- Rape
  - Kidnapping & Abduction for different purposes
  - Homicide for Dowry, Dowry Deaths or their attempts
  - Torture, both mental and Molestation
  - Sexual Harassment
  - Importation of girls (up to 21 years of age) (2) The Crimes identified under the Special Laws (SLL)
- Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:
- The Employees State Insurance Act, 1948
  - The Plantation Labour Act, 1951
  - The Family Courts Act, 1954
  - The Special Marriage Act, 1954
  - The Hindu Marriage Act, 1955
  - The Hindu Succession Act, 1956 with amendment in 2005
  - Immoral Traffic (Prevention) Act, 1956



- The Maternity Benefit Act, 1961 (Amended in 1995)
- Dowry Prohibition Act, 1961
- The Medical Termination of Pregnancy Act, 1971
- The Contract Labour (Regulation and Abolition) Act, 1976
- The Equal Remuneration Act, 1976
- The Prohibition of Child Marriage Act, 2006
- The Criminal Law (Amendment) Act, 1983
- The Factories (Amendment) Act, 1986
- Indecent Representation of Women (Prohibition) Act, 1986
- Commission of Sati (Prevention) Act, 1987
- The Protection of Women from Domestic Violence Act, 2005

### **Need of legal awareness programmes for women**

Awareness of legal aspects pertaining to issues faced by women and atrocities against them should be aerated in public libraries for the benefit of young women and old age women, old age people, children, etc. so that they can effectively tackle their legal problems in day to day life. In view of increasing crimes against women and violation of human rights, knowledge of law would help the needy to get their grievances redressed without the assistance of others.

### **Type of legal awareness programmes need to women**

Government organizations and judiciary department have been offered various programmes to its users on social, cultural, legal field etc. Hence, the investigator tried to find out that what type of legal awareness they need. Legal awareness programme is the dissemination of knowledge about legal issues and social practices that are affecting the rights of women in order to make the civil society to know about their responsibility and expose the struggle of the poor sections of the society, which are more helpful for public and also to collect the legal information. i.e., Individual legal awareness Programmes, Group legal awareness programmes, Community legal awareness programmes, The Social legal awareness programmes etc.

### **Enactments which can protect the rights of women**

Domestic violence is such a form of an abuse which includes mental, physical and sexual harassment in a domestic setup, which includes in-laws and life partner such as in marriage or cohabitation also commonly known as intimate partner violence. It is a common occurrence throughout the world and also in India. The act of domestic violence towards women is violation human rights as well as an illegal act under Indian law which has been formulated the above said enactments to ensure safety and security to all women and citizens live with dignity and respect in the society. Article 15 of the Constitution of India and International Conventions like 'Convention for Elimination of all forms of Discrimination against Women' (CEDAW), which India has identified the inequality among women and therefore made special provisions for women to eliminate the inequality. Sections 498/A, 304/B of IPC, Dowry Prohibition Act-1961, Domestic violence Act-2005, enacted for the protection of women from harassment and violence particularly within the institution of marriage and family<sup>8</sup>



## Constitutional provisions to protect the

The founding fathers of the Indian constitution were very determined to provide equal rights to both women and men. The Constitution of India is one of the finest equality documents in the world. It provides provisions to secure equality in general and gender equality in particular. Various Articles in the Constitution safeguard the women rights by putting them on par with men socially, politically and economically. The Preamble, the Fundamental Rights, DPSPs and other constitutional provisions will provide several general and special safeguards to secure women's human rights. In spite of several constitutional and Legislative provisions for protection of and safeguarding the rights and interests of women, the Indian woman still feels that they are exposed to discrimination. It is true that the Government is making sincere efforts to see that women should have been given recognition and status in the society.

The Constitution of India not only granted equality to women, but also empowered the State to adopt measures of positive discrimination in favour of women. Article 39 A of the constitution of India directs the States to ensure that the operation of legal system does promote justice on the basis of equal opportunity. It directs the State to provide free legal aid with the help of suitable legislation and schemes. These myths surprisingly prevail despite constitution nil promises and guarantees provisions articulated under Article 14 and 16 and right to life and liberty under Article 21, besides permitting protective discrimination thereby allowing States to provide legislations which would result in upliftment of women. As a result, the courts too, confirmed that a cumulative understanding based on plan under Article 15 (1) and article 15 (3) provides that State cannot discriminate in favour of men against women but the courts are permitted to discriminate so far it would be beneficial to women.

## Conclusion and suggestions

The common man does not have knowledge about the laws which do the frequent changes in the society. It is a known fact that the common man cannot understand the legal terminology and the activities going on the law courts. Legal awareness is a powerful tool that enables all citizens to make the best use possible of the legal system both in dealing with daily problems and with the choices and opportunities that occur routinely in the daily life.

Legal awareness is necessary for women in all nations, so that they can affirmatively claim their rights. Legal literacy/awareness programme produces variety of legal awareness through training materials, including books, manuals, posters, pamphlets, radio plays and films. Legal awareness programme is the dissemination of knowledge about local issues and social practices affecting rights of women in order to make the civil society aware of their responsibility and expose the struggle of the poor sections of the society.

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