

## Contribution And Importance of Legal Education in Women Empowerment and Transforming Indian Society

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### Abstract

Legal education plays vital role in the cause of empowerment of women yet women were deprived of it and continue to lack it; it imparts the knowledge and tools to elevate women's rights, and ensures gender equality. Legal education ought to be a part of the lives of women, in order to build confidence, social mobility and a sense of justice in them. Women have historically been left as marginalised groups, facing large social, cultural and economic barriers, not having access to resources and opportunities. These chains can be broken by using the legal education and disseminating information on the legal rights and obligations of women. Women are still discriminated in such matters as inheritance, property rights, marriage and divorce. Legal education provides knowledge and tools to resist injustice – the possibilities to empower women to resist oppression by speaking for themselves and their communities. The importance of legal education in promoting the awareness of women rights, financial independence for women and to reach out the elimination of gender based violence. Those who have legal expertise are more likely to know how to counteract discriminatory practices and to request assistance in cases, e.g., of domestic violence. Legal education also contributes to economic independence: women are empowered with knowledge about employment contracts, wage equality, inheritance laws and entrepreneurship. This gives women the authority to ask for fair pay and access to development and resources and helps them to grow and improve their economies. Legal education also provides an impactful contribution in reducing gender-based violence. Fear, lack of knowledge about justice systems, or lack of knowledge about the law stop many women from leaving abusive relationships. Legal education enables the spotting of abuse and mechanisms for getting rid of it. To minimize violence against women, a legal framework which recognizes the experiences of women and offers protection is needed. Legal education is also raising awareness on prevention, with a culture of respect, consent and equality. Education also helps to promote political participation, supporting women's participation in politics, and advancements in the law. By understanding the legal aspects of a constitution, civil rights, and governance, women will be able to promote the movement to change policies that directly affect the community that they live in. Whenever they involve themselves in politics, they can make positive changes in the world and help break down the patriarchal structure – of society. In addition to learning the law, another aspect of legal education is to develop confidence and self-advocacy. Women who know their rights are more likely to take their own decisions and make their own choices—and assert their rights in situations of dispute, such as a job, marriage, land, etc., which, in turn, will contribute to their sense of self-worth. When women stand up for themselves in court, they are further perpetuating the narrative that women are entitled to be treated respectfully and have a right to seek justice. Initiatives that provide free legal workshops, online courses, community outreach programs, and legal aid services can significantly bridge the gap. Collaboration with local organizations and governments can ensure that legal literacy reaches the most marginalized women. Educating women about their legal rights and responsibilities has the potential to change entire communities and create a ripple effect of empowerment.

**Keywords:** Tourism Industry, Tourism Development, Women Empowerment.

### Introduction

The condition of women in Indian society has been described as deplorable by various government and international organizations. This paper reviews the measures taken to uplift women throughout different historical periods, focusing on the reforms implemented during the colonial era and the constitutional safeguards established for women after India gained independence. It

is suggested that, despite landmark constitutional judgments that have laid the foundation for legal education related to women's empowerment and have contributed to transforming Indian society, there is an urgent need to empower women to achieve true self dependence. Women's empowerment can be defined as the process of elevating the status of women in society and creating policies and laws that promote this goal.

### Objectives of the Study / Article

1. To understand the concept and significance of women's empowerment in modern society and to study the relationship between women and legal frameworks in India.
2. To highlight the importance of legal education in reducing gender-based discrimination and also explore what contributed to women's rights.
3. To examine the judiciary's contribution to women's rights and assess the discrepancy between the law and its actual application. to assess current programs and policies that support the advancement of women.
4. To evaluate the effectiveness of the new legal framework and also examine the importance of legal awareness in empowering women.

### Women and Law

The dignity and worth of the human person" as well as "the equal rights of men and women" why it was necessary to make special efforts for Indian women at the time attained freedom is best explained by mahatma Gandhi .he described the position of women as being "somewhat in the position of slaves of old" and added that even "women have taught to regard themselves as slaves of men. (Sarkar, 1991) The kadwai said that "Each woman would have faced many challenges, but when somebody puts you down, it is when you feel the need to rise up. (Kidwai, n.d.)

Women's empowerment refers to the ability of women to make independent decisions in social, economic, political, and various other aspects of life. It is essential to provide women with freedom, equality, respect, rights, and opportunities that are equal to those of men. Empowering women involves making them

independent and fostering a social environment where they can make choices both individually and collectively about their rights, needs, and priorities. To create a strong and healthy society, it is crucial to address its weaknesses at their core. There are numerous barriers to women's empowerment, including male-dominated mindsets, social evils, rigid traditions, and superstitions. Additionally, social taboos, the dowry system, the purdah system, illiteracy, and domestic violence pose significant challenges to women's empowerment. Therefore, it is vital to eliminate these harmful practices that exist in society. We must all work together with commitment and compassion to empower women. The empowerment of our society and nation is inherently linked to the empowerment of women. Once women are fully empowered, they can contribute equally alongside men at every level, leading to the development and improvement of both society and the nation.

### Legal Education in Women Empowerment and Transforming Indian Society

There is an urgent need to tackle the ills of the society against women through active participation of all men, women, society, and governments. It is imperative to make women empowerment a people's movement. (Swaraj, n.d.)

Legal education is undergoing a significant transformation that requires a comprehensive approach. This includes enhancement of standards, tools, modes, mediums and representation in all classes, genders, races and religions. This is the only way to explore the ways in which the academy and the legal

profession operate on the basis of bias and problems, in so far as they affect women in it. The academic world holds one more dimension of power beyond being a space for discussions and critical understanding. Legal academics' behaviour, attitudes and values can well have a reverberating effect on the future of higher education. There are important elements that can be measured by investigating the relationship between the academy and women legal scholars that can be applied to evaluate the free-ness of the national law universities in that regard. Bureaucratic authority is an important part of the roots of the institutions, and so too is masculinity.

Stereotyping women as lacking in Masculine attributes, is a problem in legal academia. This bias is further exacerbated due to the bureaucratic nature of hiring processes and higher ratio of women in all roles, particularly with increasing role hierarchy. This selectivity trend is further strengthened by Bureaucratization of hiring processes, more males in various role hierarchy (increasing level of hierarchy). This makes it harder for women to enter and progress in the profession, maintaining the status-quo. National law universities, whose focus is the discipline of law, do some of this subtle biasing. Universities need to recognise and rectify these inbuilt vices and biases proactively to correct the imbalances in the favour of men and against the women. Until people permeate this deficiency they will not make any genuine progress.

Studying the experiences of women in legal academia is a vital first step in this direction. Without this focus, we cannot fully

understand the current landscape or analyze the biases that permeate the system. Its first important legislation, The constitution, declared its faith in the equality of men and women as a precondition to ushering in a society where there would be social, economic and political equality for all. (Bhatia, 1991)

### **Some Reformatory Movements for Women Empowerment**

Guru Nanak, Jainism, Rajaram Mohan Roy, Ishwar Chandra Vidyasagar, Swami Vivekananda, and Mahatma Jyotiba Phule have all advocated against oppressive practices. After India's independence, the Indian Constitution provided legal protection for women's rights. However, effective implementation and swift justice processes are needed to truly empower women. Change the mindset of students and the general public from an early age in schools and colleges. Governments must prioritize comprehensive protection, promotion, and enforcement of women's rights. The British made some efforts to improve women's conditions, but more work is needed. The Commission of Sati (Prevention) Act, 1987, was passed to address the Sati issue, following the Roop Kanwar case in Rajasthan. The Devadasi System (Prohibition and Dedication) Act was established to address prostitution. The Immoral Traffic (Prevention) Act of 1956, revised and renamed in 1986, criminalizes sexual exploitation of men or women. The Child Marriage Restriction Act of 1976 allows females to marry at 18 and boys at 21.

## Indian Legislative Took Important Steps for Women Empowerment

There are still many challenges to women's empowerment. After independence, India underwent significant changes. The Indian Constitution guarantees equality for women, including the right not to be discriminated against based on sex. Article 15 allows the state to make special provisions for women, enabling affirmative action. Article 16 prohibits discrimination against individuals in employment or office based on sex. Article 23 bans trafficking in human beings and forced labor. Article 39 of the Constitution guarantees equality of opportunity for men and women in terms of livelihood, equal pay for equal work, and it seeks to safeguard women labourers in terms of their health and strength. The rights listed in Article 42 are for good and fair working conditions and maternity leave. Further, Article 51-A(e) imposes an obligation on all citizens of India to runaway from practices lowering the dignity of the women. There are provisions for securing women's representation in Panchayati Raj units and the chairperson of Panchayati Raj under articles 243-D and 243-T. Despite all these provisions there are constraints towards women empowerment. The State Legislature has the power to encourage women to participate in different positions of government, to treat women fairly across India.

## Legal Rights Are Crucial for Women and Present Scenario for Women Empowerment

Women all over the world often face discrimination and violence against them

based on gender, which is driven by patriarchy, communalism, casteism and militarism, hence there is the need for legal awareness. Legal literacy empowers women to take action when their rights are violated, helping them challenge cultural and societal norms that restrict their access to legal resources. In India, a robust women's movement actively advocates for women's rights. Governments have made commitments to advancing women's rights, including agreements such as the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), various UN human rights instruments, the International Labor Organization conventions, and the outcomes of the UN Fourth World Conference on Women in Beijing. (CEDAW, 1993)

Indian legislation includes several rights and safeguards for women, including the Protection of Women from Domestic Violence Act 2005, Immoral Traffic (prevention) Act 1956, Innocent Representation of Women (prohibition) Act 1986, Commission of Sati (prevention) Act 1987, Dowry Prohibition Act 1961, Maternity Benefit Act 1961, Medical Termination of Pregnancy Act 1971, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994, Equal Remuneration Act 1976, Dissolution of Muslim Marriage Act 1939, Muslim Women (Protection of Rights on Divorce) Act 1986, Family Courts Act 1984, Indian Penal Code 1860, Code of Criminal Procedure 1873, Indian Christian Marriage Act 1872, Legal Services Authorities Act 1987, Hindu Marriage Act 1955, Hindu Succession Act 1956, Minimum wages Act 1948, Mines

Act 1952 and Factories Act 1948, Employees' State Insurance Act 1948, Plantation Labour Act 1951, Bonded Labour System (Abolition) Act 1976, Legal Practitioners (Women) Act 1923, Indian succession Act 1925, Indian Divorce Act 1869, Parsi Marriage and Divorce Act 1936, Special Marriage Act 1954, Foreign Marriage Act 1969, Indian Evidence Act 1872, Hindu Adoptions and Maintenance Act 1956, National Commission for Women Act 1990, and Sexual Harassment of Women at the Workplace Act 2013.

Women require their embedded rights in property, employment, in the family, in marriage, to protection from gender violence and in sexual and reproductive health and rights to resolve conflict within their homes, and when needed, to seek legal remedy.

### **Provisions Related to Women of The Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS)**

The Criminal Procedure Code of 1973, along with the new amendment, the Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023, governs the administration of substantive criminal law in India. This law outlines procedures for investigating crimes, apprehending suspected criminals, collecting evidence, and determining guilt or innocence. It also covers punishment for offenders, identification of public miscreants, crime prevention, and the maintenance of wives and children. There are provisions for arrest of women in the BNSS. It calls for women to be informed of their detention orally and that in no case shall a male person touch the accused woman unless in extreme cases. Women are

not permitted to be arrested in the evening nor upon force of law coaxed into incriminating themselves of a crime. Furthermore, they should be entitled to have suitable facilities during the period of their detention. Female officers are expected to be decent while carrying out searches on women. Under section 101 of the State, the District Magistrate, Sub-Divisional Magistrate and First Class Magistrate can bring the women kidnapped to court if the reasons for her kidnapping are illegal. Also, a woman can not be forced anywhere other than home. Under the BNSS the possibility for police to arrest a female accused and hold that person under remand exists for the same type of special circumstances and this requires the appropriate level of security measures and facilities for holding in remand. The final provision directs that death sentence imposed on a pregnant woman be suspended or mitigated by the High Court.

### **Impact of Legal Awareness and Promoting Gender Equality in Society and Some Significant Judgements**

Women hold the status of equal citizens and have the right to live with dignity and honour. Sexual assaults are violations of fundamental human rights; however, sex-based discrimination has persisted as a historical phenomenon for centuries. This issue has been evident in both public and private law, as customs and traditions have consistently denied proper protection and fulfilment of human rights for women based on their gender. The norms and values of nearly all societies have been unfairly

structured in favor of men, placing burdens on women due to the dominant roles held by males. Women have never been treated as equals. The Supreme Court of India has addressed various cases concerning sexual harassment, child marriage, and women's rights, amplifying the call for equality and justice.

The Supreme Court of India has addressed several important cases concerning sexual harassment, child marriage, and women's rights, emphasizing the need for equality and justice. In the landmark case of *Vishaka vs State of Rajasthan*, (*Vishaka v. State of Rajasthan, 1997*), A social worker was horrifically gangraped by five men. This prompted the Vishakha group to petition the court for guidelines that would define sexual harassment and establish employer responsibilities in these cases. In *Vineeta Sharma vs Rakesh Sharma*, (*Vineeta Sharma v. Rakesh Sharma, 2020*) The court ruled that daughters have equal coparcenary rights in Hindu Undivided Family property, affirming that the right to co-parcenary is granted at birth. The case of *The Secretary, Ministry of Defense v. Babita Puniya and Ors* (*Secretary, Ministry of Defence v. Babita Puniya, 2020*) challenged gender stereotypes within the Indian Army, allowing all female army officers to be appointed to commanding roles and granted permanent commissions. In *Punjab and Sind Bank & Ors v Mrs Durgesh Kuwar*<sup>10</sup> The court ruled that sexual harassment in the workplace violates women's fundamental rights to equality, dignity, and the right to work. In *Laxivmi vs State of India* (2006), (*Punjab and Sind Bank v. Durgesh*

*Kuwar, 2015*) The court prohibited the sale of acid to anyone under 18. Additionally, the Shani Shingarpur Temple in Maharashtra was opened to all devotees.

### **Legal Education and Political Participation Initiatives for Women and Recent Plans for Women's Empowerment**

Law universities face numerous challenges in our rapidly changing world, including increased competition, limited funding, and the growing need for research. However, incorporating a feminist perspective can significantly enhance the experience of students, staff, faculty, and administration. Such a strategy can help improve the chances of recruiting and promoting women in more equitable and just ways, thereby creating social and economic justice. It is important that workshops be organised and awareness about policy, concerning maternity/childdcare leave disseminated to the woman efficiently, to support her. Increasing the presence of women can revolutionise organisation and alter the image of the law. All pedagogic change, including gender issues being addressed in a more comprehensive way and the introduction of feminist jurisprudence, can bring positive changes for both students and the faculty. Addressing the current gender inequality; To acknowledge preexisting gender gaps and to deliberately deal with them;

Supported by the intervention of policies encouraging better opportunities and facilities for women, there can be a better future for all of us.

Empowerment of women is key to political engagement as it breaks the barriers in

the society and builds confidence amongst women youth. It provides them access to education and information which will enable them to better understand the political systems, issues and policies. Such understanding gives women the power to participate in political dialogue and build their own knowledge. Gender equality is the desire of empowered women, as are rights to health, education and family, to defend and protect those rights that directly impact their lives. They challenge cultural norms and traditions that limit women's roles in politics, giving them the courage to confront genderbased discrimination. Additionally, empowered women often create strong support networks, allowing them to connect, collaborate, and amplify their political voices. This, in turn, leads to increased representation in decision-making processes, ensuring that the needs of all citizens, particularly women, are addressed.

The National Commission for Women was established in 1992 to monitor and review women's constitutional and legal safeguards. The 73rd Constitutional Amendment Act ensures one-third of local elected office seats are reserved for women. The National Plan of Action for the Girl Child (1991-2000) aims to protect and develop girl children. In 2001, the Department of Women and Child Development prepared a "National Policy for the Empowerment of Women" to promote women's advancement and empowerment. Several initiatives have been enacted, including the Beti Bachao Beti Padhao Scheme, the One Stop Centre Scheme, the Women Helpline Scheme, the Working Women Hostel initiative, the Pradhan Mantri

Matru Vandana Yojana, the Swadhar Greh Scheme, the Support to Training and Employment Programme for Women (STEP), Mahila Shakti Kendras (MSK), the Nirbhaya Fund, and the Mahila Police Volunteers program.

### Conclusion

Legal education is vital for women's empowerment in India, as it promotes gender equality and equips them with the knowledge and tools to defend their rights. It breaks down social, cultural, and economic barriers, empowering women to stand up against oppression and advocate for themselves and their communities. Legal education raises awareness of women's rights and financial independence, combating gender-based violence, and reducing abuse by identifying abuse and providing redress mechanisms. It is very important to break any remaining male dominated mindsets, social evils, rigid tradition, superstition, social taboos, illiteracy, and domestic violence which act as barriers in strong, healthy and balanced society. There is legal protection in the Indian Constitution for women rights, but the implementation and fast administration of justice are required to make it effective. A problem is that there is an increasing competition for the law universities, possibilities for financing are on a low level & there is a demand for research. There is a dire need to empower women for accessing political participation, removing all the barriers created by the society and building confidence among them for women. When women are empowered, they often establish

good support groups and thus have a greater presence in decision-making.

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