

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

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# **EMPOWERING WOMEN THROUGH LAW: ENSURING SAFETY AND LEGAL PROTECTION IN SOCIETY**

AUTHORED BY - ANANYA KRISHNA.M, ANITA ROSE BINU & JINI SAJI

## **INTRODUCTION:**

Supporting women's empowerment is a crucial part of building equitable, just, and progressive society. Awareness and consciousness of the systemic injustices against women, from violence and discrimination to barriers around education and health care, has proliferated worldwide in the last few decades. One of the potential means of healing and changing the injustices against women is through the law. Societies have the capability of protecting women's rights under an adequate law code even beyond merely protecting women, to enabling them to fully live life in all regards. This essay will first focus on promoting women's safety, dignity and equality through the law and then the benefits to society as a whole.

The law is not only rules; it is a means of social advancements. With the right justification and enforcement, the law has the ability to chip away at fundamentally engrained assumptions about patriarchal behaviour and give women a space to state their cases. Getting women to be legally empowered begins fundamentally by inventing them equal citizenry entitled to the same protections, law, as men.

Preventative approaches, such as legislative protections in the form of restraining orders, specialized courts that deal specifically with gendered violence, and punishments for offenders will continue to be one avenue to safeguard women. For example, in India the Protection of Women from Domestic Violence Act (2005) defines domestic violence broadly, and offers women various forms of civil relief through protection orders, as well as quick access to their residence, and a right to financial assistance.

At the international level, protocols, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provide parameters for legislative actions that governments are encouraged to use in as relevant and sustainable of ways in its human rights actions pertaining to women's rights. When the framing of women's rights legislation is

implemented by fair, equitable, and proactive processes, women can report violence, and may have chances of attaining remedy, with little to no stigma or fear of retaliation.

Here, ongoing legal reform, whereby the workplace is legally defined as a safe space for women, including anti-sexual harassment legislation (i.e., various Vishaka Guidelines in India, and Title VII of the legal code in the U.S.) to further establish a safer, respectful, and productive workplace.

### **IMPORTANT STATUTES:**

Empowering women and protecting women's rights is only possible through social movements and social conversations, but importantly, through a solid legal framework to protect women. In the Indian subcontinent, for example, there are many laws dealing with the complex reality of violence against women and discrimination. Laws exist to ensure the safety, dignity and equality of women, as part of our collective obligation to try to achieve those rights for women. This article, therefore, seeks to consider four bodies of law in this subject matter -these are modern in both their development and scope- to which the reader's attention should be directed: The Protection of Women from Domestic Violence Act 2005; The Criminal Law (Amendment) Act 2013; The Dowry Prohibition Act 1961; The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

### **Protection of Women from Domestic Violence Act, 2005**

The Protection of Women from Domestic Violence Act (PWDVA), 2005 marked a significant step forward in terms of legal recognition of domestic violence in India. Prior to this legislation, domestic violence was essentially regarded as a family affair not officially witnessed or observed, or enforced by the law. The legislation legally recognized domestic violence, not just physical violence, but emotional violence, verbal violence, sexual violence, economic violence, and harassment encompassed by all other forms of violence against women. Under the PWDVA, a woman can seek protection orders, accommodation, and financial upkeep from her abuser without reliance on traditional notions of marriage.

In addition, the PWDVA provides immediate relief for the woman, by incorporating civil remedies that allow support through appropriate means and through a Protection Officer to assist the aggrieved woman. The PWDVA blurred the lines of abuse in the household and created legal space to recognize domestic abuse as criminal conduct. The PWDVA allowed

women to reasonably push back against oppression in the household, perhaps one of the most disparaged spaces in the tradition of social silence.

### **Criminal Law (Amendment) Act, 2013 – Stringent punishment for sexual offences**

After the brutal gang rape in Delhi in 2012, the Indian government passed the Criminal Law (Amendment) Act of 2013. This legislation is one of the largest reforms to criminal law in India, with respect to sexual offences. The amendments redefined rape and created new offences for several forms of sexual assault (stalking, voyeurism, acid violence, trample/aggravated sexual assault), and also included the death penalty punitive provision, or aggravated punishment, for aggravated rape. The amendments created a "priority on the complaint of complaint" appraisal by the police department regardless of delay or allegations that they would investigate opposed to the original equation of "complaint may or may not be followed by an investigation, and by complaints not being followed by investigation if too much time had passed or if the offence involved allegations that were delayed". The amendments did not only create a paradigm shift in the landscape of legislative surrounding sexual violence, these amendments also created a precedent (during a historic meltdown in India's history) from victim blame, to victim protection, advocacy, and dignity for victims of sexual violence, and helped create a major momentum in the movement to sensationalize sexual violence as a serious world issue that violates fundamental human rights and that no one in society should disregard or accept as normal.

### **Dowry Prohibition Act, 1961 – Prevents dowry harassment**

The Dowry Prohibition Act, 1961 was among India's first legal approaches to end gender-based violence related to marriage. Dowry is an age-old custom associated with patriarchy and has been responsible for violence, harassment and death to innumerable females in India. Although the act prohibits the giving and receiving of dowry, and applies punishments of jail time and fines to offenders, dowry is still practiced to this day.

Irrespective of societal opposition to the law, the act still provides women with the means to challenge dowry related harassment and violence. Additionally, if married women face cruelty from their in-laws on the matter of demand for dowry, they have recourse from cruel and often barbaric treatment in the form of section 498A of the Indian Penal Code. The benefit of the aforementioned act is it provides women with avenues to fight against a social plague or evil and a perception of women as a financial burden and not an individual having rights and

deserving dignity.

### **Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 – Ensures workplace safety**

The Sexual Harassment of Women at Workplace Act was enacted in 2013 to guarantee promotional, gender-violence-free conditions for women employees acknowledging the need for women employees to work in a free and inclusive workplace. The law emanated from the historic Vishaka Guidelines issued by the Supreme Court of India in the year 1997 which identified that the employer has the responsibility to provide a workplace without violence toward women, to have an Internal Complaints Committee (ICC), and to address or respond promptly and sensitively to any complaints of harassment.

The law is applicable to both organized and informal or unorganized work spaces, and therefore supposed to be protecting women in all labour. It welcomes and recognizes other kinds of harassment, such as verbal/on the job psychological and emotional harm. Subsequently, the law ensures that women will never feel either confident or fearful when reporting harassment. Therefore, the law ensures that women have grievance redressal processes that are institutionalized to empower women to exercise their right to work in a respectful, dignified, gender equal workplace.

### **CHALLENGES IN IMPLIMENTATION:**

Though India has made tremendous progress through legislation to safeguard and empower women, the impact is limited in practice due to several implementation challenges. There is an ongoing disconnect between the law and reality, with a multitude of social, institutional, and cultural factors systematically subverting enforcement of laws meant to improve the position of women in society. For many women, especially those marginalized not only socially but economically, legal protections exist conceptually, but very few realize that protection in practice.

One of the most significant challenges is the non-reporting of crime against women. Often worry about retaliation from the perpetrator, being blamed themselves, and stigma from the community is enough to deter women from coming forward. Family honour and fear of social stigma or ostracism again prohibit many women from reporting domestic violence or sexual harassment. For some women, social stigma can literally cause them to stop breathing: a form

of social death. In fact, consequent to this social stigma, many women live in silence, and their abuser is able to harm them endlessly, unaffected by the law. Because of the silence, the application of the law is “frozen in time” and remains impotent when women do not report and justice is unattainable.

Another significant obstacle is the sluggishness and ineffectiveness of the judicial system. The Indian judicial system is slow and is overburdened with cases. Survivors of violence may struggle with ongoing court proceedings for years; some may unwittingly place themselves in situations to be re-traumatized through repeated questioning, intimidating questioning in cross-examination, or being treated badly by authorities. The delay in justice brings with it not only the absence of timeliness, but also discourages others from obtaining justice through the system. Weak enforcement schemes exacerbate the issue. The law may be right, but the enforcement of laws is problematic due to ineffective investigation, low conviction rates, and lack of accountability for the police—further limiting the deterrent effect on offenders.

Many women are also unaware of their rights, or their available legal remedies. Among women, legal literacy is the lowest among rural women, women with fewer economic resources, and women with low education. Many women do not know how to lodge a complaint or who to contact when their rights are violated.

The source of all of these concerns is actually more serious, a deeper issue; the endurance of patriarchal values and reticulated social norms. In fact, in many regions of the country women are still viewed in traditional gender roles: obedient, dependent, and at home. These concepts dissuade interacting with and getting law involved where they see a situation as 'private,' specifically when the legal matters concerned familial backgrounds. Additionally, law enforcement, judges, and lawmakers are also not exempt from personal bias, and cannot ignore the potential misapplication and misinterpretation of law.

For that reason, even when the laws seem to be a solid foundation for women's empowerment—all of this inertia works against it. Engaging with the process could be described as a series of processes, including building stronger institutions, fast tracked legal constructs, legal education, and perhaps most significantly, a shift in cultural attitude away from women as dependents to women as individuals who have equal citizenship rights to their lives.

## **ROLE OF SOCIETY AND LEGAL SYSTEM:**

While laws set the stage for women to enjoy rights and decision-making autonomy, realizing those benefits hinges on how the law is activated and deployed through the justice system or, at last, in the wider society. Laws do not magically change systemic inequities that are embedded in the fabric of society unless, within the community and justice system, there is a commitment to restore order or at least a proactive approach. The justice and community system must work in tandem to create a community and justice culture of safety, respect and understanding for women.

The justice system has much to do, particularly through law enforcers, to facilitate women receiving timely support and response justice. This is in part because, often, law enforcers will be the first responders and the first help women can reach out to when they become a victim of violence or abuse. Law enforcement responders must conduct a timely response and interaction with sensitivity and non-bias, for instance. Any delay, victim-blaming, or refusal to report FIRs - for instance - would ideally diminish the survivor's trust in the justice system.

Equally important is to raise awareness. A lot of women do not know their rights under the law, as well as, are unaware of existing protections in law. Public education efforts - in schools, the media, and community, and through digital media - are crucial to achieve this goal. These campaigns should not only convey women their rights under the relevant laws that exist - such as the Domestic Violence Act or Sexual Harassment Act - but more broadly about the social norms that support those who discriminate, silence, and abuse. It is just as important to raise awareness levels of men and boys about the values of respect, equality, and shared responsibility.

Another significant force for change is engaging local communities to support women's safety and equality. A safe environment created when a neighbourhood, institution, or workplace works together to build safe space, so it is about building this safe environment. Community initiatives - for example, women's help groups, community watch groups, workshops focused on gender sensitization, or safe reporting processes in a school or workplace - all make a difference and change the cultures in which they live. Community engagement in this environment also demonstrates that protecting women is not merely a government position, but a commitment by all engaged in the community.

Promoting women to report violence and abuse and violations is possibly the single most significant element in this ecosystem. Women's reporting of abuse or violence is regularly impacted by fear of judgment, embarrassment, or retribution. Society needs to address these ideas by supporting the survivor, rather than silencing the survivor, by default. Families, friends, educational settings, and workplaces can all create environments in which women feel they have empowerment to speak out, report abuse, and seek justice.

Of course, a law can only affect change to a certain extent until a surrounding ethos of society begins to align with that change. Empowerment must take integrated legal and cultural forms. An empowered society is one where the legal system serves as both a deterrent to violence and abuse, but also provides a legal framework meant to manage violence, abuse, and provide an implied confidence for women's empowerment, safety, and protection. An empowered woman only emerges from both legal and an awakening, inclusive society.

### **CONCLUSION**

The legal empowerment of women is fundamentally the basis of a fair and just society. In the past women's rights have improved through laws to protect women's rights and safety. However, laws do not effectively change economic, social, and political inequity or lessen violence against women, without implementation, education of the people served, and society's commitment to oppose violence. The effectiveness of legal protections only occurs when there is awareness raised, the law be enacted, and there is strong community support.

Legal empowerment of women is not simply punishing criminals, it is about building an environment in which women can live freely, speak plainly, and create opportunities without fear. It is about making women empowered to resist the existing order or oppose oppression, and reclaim the space that has excluded them for generations. It shows a society that women's rights are unshakeable and that protecting their safety is a shared responsibility.

To create the experience of improving the conditions of women in society, it is not just about the law; it is a paradigmatic or performative shift in being and practice. We as a society, continue to breakdown "normal" in the social norms and patriarchal ideologies that continuities inequality and are attempts to silence individuals. Institutions need to hold themselves accountable, and the community must hold itself accountable, or they must be the shield to the observer.

At the end of the day a genuine safe and empowered society is one that can protect women through the law and also people in their lives. We must re-establish the law as well as the societal world, and not just for one woman but as an absolute necessity for all women in access, dignity, equality, and social justice.

