



## **ROLE OF JUDICIARY IN EMPOWERING WOMEN IN INDIA**

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### **ABSTRACT:**

*The role of the judiciary in empowering women in India is significant, as it has played a crucial role in ensuring women's rights and gender equality. India has a patriarchal society, where gender-based discrimination is still prevalent. Women face various challenges, including violence, discrimination, unequal access to education, and employment opportunities. However, over the years, the judiciary has played a pivotal role in addressing these issues and empowering women.*

*The Indian Constitution guarantees equality to all citizens irrespective of their gender. The judiciary has been instrumental in enforcing these constitutional provisions and ensuring that women have access to justice. The Indian judiciary comprises several tiers, starting from the trial courts, followed by the high courts, and finally, the Supreme Court of India. Each tier has played a significant role in shaping women's rights in the country.*

*One of the significant contributions of the judiciary in empowering women is through its landmark judgments. The Indian judiciary has delivered several landmark judgments in cases related to women's rights, which have set precedents for future cases and served as a guide for the judiciary to interpret the law in a gender-sensitive manner. The following are some of the significant judgments delivered by the Indian judiciary that have empowered women in the country.*

### **VISHAKA V. STATE OF RAJASTHAN:**

The Vishaka v. State of Rajasthan case was a landmark judgment delivered by the Supreme Court of India in 1997. The case involved a gang-rape of a social worker in a village in Rajasthan. The victim's organization, Vishaka, filed a public interest litigation (PIL) seeking guidelines on sexual harassment at the workplace. The

Supreme Court, in its judgment, laid down guidelines to prevent sexual harassment at the workplace, known as the Vishaka Guidelines. The guidelines required every employer to set up a committee to investigate complaints of sexual harassment and take appropriate action against the offender. The judgment provided women with a legal framework to address sexual

harassment at the workplace, which was not recognized as an offense earlier.

#### **MARY ROY V. STATE OF KERALA:**

The Mary Roy v. State of Kerala case was a significant judgment delivered by the Supreme Court of India in 1986. The case involved a challenge to the Syrian Christian law, which discriminated against women in matters of inheritance. The law allowed only male heirs to inherit the family property, and female heirs were excluded from inheriting any property. The Supreme Court, in its judgment, held that the Syrian Christian law was discriminatory and violative of the Indian Constitution's provisions of equality. The judgment paved the way for women to inherit property and provided them with economic empowerment.

#### **LATA SINGH V. STATE OF UTTAR PRADESH:**

The Lata Singh v. State of Uttar Pradesh case was a landmark judgment delivered by the Supreme Court of India in 2006. The case involved a threat to the life of a couple who had married outside their caste. The couple had approached the Supreme Court seeking protection from their families. The Supreme Court, in its judgment, held

that every adult has the right to choose their life partner and that no one can interfere with their choice. The judgment upheld the right to life and personal liberty and provided women with the right to choose their partners freely.

#### **DELHI DOMESTIC WORKING WOMEN'S FORUM V. UNION OF INDIA:**

The Delhi Domestic Working Women's Forum v. Union of India case was a significant judgment delivered by the Supreme Court of India in 1995. The case involved a PIL filed by an NGO seeking protection and welfare measures for domestic workers. The Supreme Court, in its judgment, held that domestic workers are entitled to all the labor rights, including minimum wage, working hours, and social security benefits. The judgment recognized the vulnerable position of domestic workers, most of whom are women, and provided them with legal protection.

#### **STATE OF MAHARASHTRA V. MADHUKAR NARAYAN:**

The State of Maharashtra v. Madhukar Narayan case was a landmark judgment delivered by the Supreme Court of India in 1991. The case involved a challenge to a Bombay High Court judgment that acquitted a man of

the charge of raping his wife. The High Court had held that the husband could not be charged with rape as the wife had consented to the marriage. The Supreme Court, in its judgment, held that marriage does not imply a wife's irrevocable consent to sexual relations with her husband. The judgment recognized that rape within marriage is a form of sexual violence and provided women with protection from marital rape.

The judiciary has also been instrumental in ensuring that women have access to justice. The Indian judiciary has set up several special courts and tribunals to deal with cases related to women. The following are some of the specialized courts and tribunals set up by the Indian judiciary to empower women.

#### **Family Court:**

The Family Court is a specialized court that deals with cases related to family disputes, including divorce, maintenance, and custody of children. The Family Court provides women with a forum to resolve their family disputes, which is often a challenging process in regular courts.

#### **Mahila Court:**

The Mahila Court is a specialized court set up to deal with cases related to crimes against women. The court

provides women with a safe and secure environment to seek justice and ensures that cases related to crimes against women are disposed of expeditiously.

#### **National Commission for Women:**

The National Commission for Women (NCW) is a statutory body set up by the Indian government to safeguard and promote the rights of women. The NCW is empowered to investigate complaints related to gender-based discrimination and violence against women and provide relief to the victims.

#### **Sexual Harassment Complaints Committee:**

The Sexual Harassment Complaints Committee (SHCC) is a committee set up in every organization to address complaints related to sexual harassment at the workplace. The SHCC provides women with a forum to seek redressal for complaints of sexual harassment and ensures that the workplace is free from harassment.

In addition to delivering landmark judgments and setting up specialized courts and tribunals, the Indian judiciary has also been proactive in promoting gender sensitivity among the judiciary. The Supreme Court has set up a Gender Sensitization and Internal Complaints Committee (GSICC) to address issues related to gender

sensitivity and harassment within the judiciary. The GSICC provides women with a forum to address complaints of gender-based discrimination and ensures that the judiciary is a safe and gender-sensitive workplace.

### **CHALLENGES FACED BY THE INDIAN JUDICIARY IN EMPOWERING WOMEN:**

While the Indian judiciary has played a significant role in empowering women, it faces several challenges in doing so. The following are some of the challenges faced by the Indian judiciary in empowering women.

#### **Patriarchal Mindset:**

The Indian judiciary, like many other institutions in India, is steeped in patriarchal values. The patriarchal mindset of judges can result in gender-based discrimination and prejudice, which can undermine the judiciary's efforts to empower women.

#### **Slow Judicial Process:**

The Indian judicial process is known to be slow, and cases related to women often take several years to be resolved. The slow judicial process can be a deterrent for women seeking justice and can further traumatize women who have already suffered from gender-based violence.

#### **Lack of Gender Sensitivity:**

Despite efforts to promote gender sensitivity, many judges and court staff lack adequate training in gender issues. The lack of gender sensitivity can result in insensitive treatment of women and can deter women from seeking justice.

#### **Limited Access to Justice:**

Many women in India, particularly those from marginalized communities, have limited access to justice due to social, economic, and cultural barriers. The limited access to justice can prevent women from seeking legal remedies for gender-based violence.

#### **Lack of Implementation of Judgments:**

While the Indian judiciary has delivered several landmark judgments in favour of women's rights, the implementation of these judgments is often lacking. The lack of implementation can result in women being denied their rights and can undermine the judiciary's efforts to empower women.

### **CONCLUSION:**

The role of the Indian judiciary in empowering women is crucial in achieving gender equality in India. The judiciary has played a significant role in

setting legal precedents, setting up specialized courts, promoting gender sensitivity, and providing women with access to justice. However, the judiciary faces several challenges, including a patriarchal mindset, slow judicial process, lack of gender sensitivity, limited access to justice, and lack of implementation of judgments.

To overcome these challenges, the Indian judiciary needs to take a more proactive approach to promote gender equality. This can include strengthening gender sensitization programs, providing more training to judges and court staff on gender issues, and setting up more specialized courts and tribunals to deal with cases related to women. Additionally, the judiciary needs to work closely with other stakeholders, including civil society organizations and the government, to promote gender equality and empower women in India.

In conclusion, the Indian judiciary's role in empowering women is critical, and it needs to continue to play an active role in promoting gender equality in India. Women's empowerment is not only a matter of human rights but also essential for the overall development of society. By empowering women, the Indian

judiciary can contribute to building a more just and equitable society.

Here are some references that could be useful for further reading on the role of judiciary in empowering women in India:

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- "Indian Judiciary and Women Empowerment: A Study," by Dr. (Mrs.) Meena Sharma, published in International Journal of

Applied Research and Studies,  
Vol. 2, Issue 12, December 2013.

These references provide a comprehensive analysis of the role of judiciary in empowering women in India, including landmark judgments, specialized courts, and the legal framework for women's rights. They also discuss the challenges faced by women in accessing justice and the efforts made by the judiciary to address these issues.

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