

Women Legal Literacy: A Brief Review in India

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Abstract

Legal literacy is commonly understood as knowing the basics of law. Knowledge of law is power and helps self-realization. India, the largest democracy in the world, has an emerging need of generating awareness of rights. Legal literacy is knowing the primary level in law well citizens, particularly, marginalized groups, know what the law has to offer then they can recognize and challenge injustices much more forcefully. The first step towards that knowledge of law which can transform people lives is legal literacy.

Keywords: Legal Literacy; Legal Awareness; Legal empowerment; Political Advancements; Social Agents; Social change; Legal Accessibility; Legal system; Public legal Awareness; Injustice; Exploitation; Violence; Gender equality; etc.

INTRODUCTION

The constitution of India treats both men and women equally and provides them equal protection under law. Still many women face barriers to access to justice. Lack of resources and social backwardness are the two major factors. Most of the women living in rural areas are illiterate and are not aware of the right conferred upon them by law. Even literate women do not know what their rights and entitlements under the law are. It is due to lack of legal awareness.

To solve this problem the step of generating Awareness on women's rights has been recognized

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as the appropriate initiative. India is the land of various laws and on a variety of subjects, most of these pertain to benefits and safety of women but due to the lack of awareness for such provisions, they hardly yield any benefits to them. To ensure justice, safeguard rights and promote legal empowerment in women the need is always felt for making them aware about their rights and entitlements. For this legal literacy has been recognized as a tool to change and provide women with adequate knowledge of their rights. After women become away of the rights provided to them by the law they can use such awareness as a tool to fight injustices. Such awareness can transfer their lives. Legal literacy is the first step towards women justice.

One of the sustainable development goals is to attain Gender Equality. Therefore, women all over the world are battling for equality through numerous activities in order to attain gender justice. Ending the disparities between men and women that are created and sustained at home, the community, the market, workplace and the state is what gender justice implies. It can be accomplished by working to empower women on the social, economic, political, and legal levels so that they can live as educated, competent, healthy, wage earning,

politically aware, and legally literate individuals. These empowered women would be able to live their lives without being economically dependent on males, with dignity, and with the confidence to face problems. With this if women also have legal awareness, they will be in a better position to fight against all the injustices, violence, exploitations happening against them in the society.

Legal Literacy

Legal Literacy or Legal Awareness is also called as Public Legal Education. It educates people on principles, practices and theories of law. This legal literacy acts a tool for individuals to understand the duty of law, to have a clear idea on women rights under the law and to entitle their rights as means to bring change in the society.

A fundamental knowledge on legal literacy for women has become necessary now-a-days in all sectors of life. Hence the need of having knowledge on legal literacy is now seen as societal necessity in empowering the women. It is observed that there is need to bring awareness in women about their legal rights. In India, illiteracy is still observed and still there are many women who are unaware of their legal provisions provided by the government. In such society there need to educated women on the legal rights and constitutional provisions for their betterment in the society.

Need for Legal Literacy in Women

The main reason for all the ill practices faced by women in the society are due to

1. Illiteracy
2. Economic dependence
3. Caste restraints
4. Religious prohibition
5. Lack of leadership qualities

Law plays an important role in setting standards on the issues of women development. Though there are many laws still the gender discrimination is not reduced or eradicated, so as gender based violence.

Many girls and young women are unable to enjoy their rights and access to legal entitlements due to lack awareness. Today there is need to empower women with legal literacy and awareness and knowledge about their statutory rights under various schemes. This will not only provide empowerment but a better future for them leading to stronger and more inclusive society.

Fight against Injustice: The main reason is that legal education helps to alter public perceptions and connect them to social issues; it increases people's awareness of their rights and responsibilities and helps them to develop into model citizens. Few acts relating are, Dowry Prohibition act, Child Marriage restraint act, The Sati Prohibition act, etc.

Empowerment: Free legal assistance is offered to women who are unable to exercise their legal rights. They can be accomplished by holding regular legal advice camps in various locations.

Understand scope of Rights and Challenge the Violations: Legal literacy is crucial because it is the understanding of the law that can be used as a tool by vulnerable groups to assess the law, understand the extent of their legal rights, and have those rights supported by taking action, using the legal system. People who are aware of their rights can report violations of them. With the aid of appropriate legislation or programs, the State is required by Article 39A of the Indian Constitution to provide free legal assistance.

Constitutional Standards in improving status of Women

The Indian constitution is a legal, political and moral document. All our basic rights are written in and assured by the constitution. The Indian constitution being the most important law in India sets certain standards with regard to woman rights. These standards and principles were then expanded through other laws. Some of the important values stated in the constitution include justice (social, economic, and political), liberty (of thought, expression, belief and worship) and equality (of status and opportunity). These values are fundamentally linked to empowerment of women.

The Indian constitution contains a chapter on fundamental rights, which is part of rights that essentially to protect an individual's life and liberty from arbitrary acts of the government, state organs and agencies. Similarly, another chapter titled directive principles of state policy (DPSP's) provides guidelines to the state for its governance in accordance with the principles it incorporates, the fundamental rights and DPSP's together form the backbone of protective laws for women. Relevant provisions in the constitution on women's rights include the following:

- The state shall not deny to any person equality before the law or the equal protection of laws (Article 14).

- The state shall not discriminate against any citizen on grounds including that of sex [Article 15(1)].
- The state can make affirmative action in favor of women, including through reservation and special laws [Article 15(3)].
- The state shall not discriminate, in matters of public employment, on grounds including that of sex [Article 16(1)].
- The state is duty bound to protect the life and personal liberty of all, including women (Article 21).
- The state is prohibited from trafficking in human beings (Article 23).
- The state is directed to provide equal pay for equal work [Article 39(d)].
- State is directed to make provisions for ensuring just and humane conditions of work and maternity relief (Article 42).
- A fundamental duty is imposed on every citizen to renounce practices that are derogatory to the dignity of women [Article (51)t55].

Empowerment Through Various Laws:

The Indian penal code (IPC) is the preliminary law that defines and declares specific acts as crimes, and provides for punishment for the same. Provisions under the IPC related to violence against women are summarized in the table below. In addition to the Indian penal code, criminal laws have also been enacted on specific issues. These include:

(1) The Immoral Traffic (Prevention) Act, 1956

In 1956 suppression of Immoral Traffic in Women and Girls Act known as SITA was passed. The basic objective of this Act was to punish brothel keepers, procurers and pimps and to prevent prostitution in or in vicinity of public places. The Act was amended in 1978 and more recently in 1986 and now titled "the Immoral Traffic (Prevention) Act". The main purport of the Act is to inhibit or abolish commercialized vice; namely, traffic in women and girls for purpose of prostitution as an organized meaning of living.

(2) The Dowry Prohibition Act, 1961

In 1961, the Government of India passed the Dowry Prohibition Act, making the dowry demands in wedding arrangements illegal. However, many cases of dowry related domestic violence, suicides

and murders have been reported. In the 1980s, numerous such cases were reported.

In 1985, the Dowry Prohibition (maintenance of lists of presents to the bride and bridegroom) rules were framed. According to these rules, a signed list of presents given at the time of the marriage to the bride and the bridegroom should be maintained. The list should contain a brief description of each present, its approximate value, the name of whoever has given the present and his/her relationship to the person.

(3) The Indecent Representation of Women Act, 1986

To prevent indecent representation of women in numerous forms, Parliament passed the Indecent Representation of Women Act, 1986. The object of the Act was to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.

(4) Commission of Sati Prevention Act, 1987

Act was enacted to provide for more effective prevention of the commission of Sati and its glorification and for matters connected herewith or incidental thereto.

(5) The Pre conception and Pre-Natal diagnostic techniques (Prohibition of Sex Selection) Act, 1994

The Act provides for regulation of the use of pre-natal diagnostic techniques and for the prevention of the misuse of such techniques for the purpose of prenatal sex determination leading to female foeticide.

(6) The protection of Women from Domestic Violence Act 2005

The objective of the Act is to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for incidental matters.

Action – Legal Literacy Programs

The aim of legal literacy programmes is to make law accessible to all, to lean on charisma surrounding the law and the legal system and to critically analyse the issues in a sensitive manner. It assumes that once empowered, people may play a proactive role to make law relevant and may act as social agents who than may lead to social change.

Legal literacy thus has wider meanings to include strategy that would fit into broader political struggle for justice.

The goal of legal literacy programmes is to create legal awareness in order to allow people to have access to information and to assist them make rational informed choices. It is to facilitate them to have knowledge and use it appropriately when required. The significance of legal awareness lies in the fact that law should be used a tool for empowerment of those who are being marginalized because of various reasons including lack of information or legal knowledge. The purpose is to empower people to utilize knowledge against hegemony of those who oppress them and to achieve the goal of social justice. It is a process of ideological and political analysis.

The intent of legal literacy programme is not in any way to generate a hope among people that law provides readymade solutions to their problems. It is to facilitate them to gain access to information about available legal resources and utilize them accordingly. The role of law as an instrument of social justice and as a tool to bring out change has been critiqued by several stakeholders including academics and activists and this is brought out during discussions in the training sessions as well. The legal literacy programmes therefore work towards identifying these notions and attempt to link rights and remedies within the broader framework of politics of rights. These programmes view law and rights as goals of public policy and political resources and articulate rights within the framework of entitlements keeping notion of justice in mind.

Legal literacy programmes involve not only familiarizing people with the legal information but also breaking down barriers of entrenched embedded notions and sociocultural conditioning which is a difficult task.

CONCLUSION

For women empowerment to happen the tool of Legal literacy is required. Legal literacy plays a crucial role in women empowerment. Legal literacy is the form of education which makes the

people legally aware and educated. It is the form of education which can save people from several hurdles and obstacles in their life. Legal literacy helps people to understand the current judicial and justice system and prepares them to tackle any hurdle through legal process. Legal literacy can help women to raise their voice against any injustice they have been facing. It can be said it is the first step towards the knowledge of law. So, legal literacy is the means of progress that can revolutionize people's life.

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