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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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ROLE OF INDIAN JUDICIARY IN LONG TERM DEVELOPMENT OF WOMEN EMPOWERMENT

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Abstract

The principle of gender equality and women empowerment is enshrined in many national legislation even in Indian Constitution it's in 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 favor of women. However, without the effective implementation that will not attain its objective for that Indian judiciary plays vital role to protect women's right and promote women empowerment. This article discusses about role of Judiciary for long term development of women empowerment and also various initiatives taken by Judiciary for the same.

Key words: Women empowerment, Role of Judiciary, Gender Justice, Women's Rights, Fundamental Rights and Duties

INTRODUCTION

Women in India, which is very well known, haven't been treated well, whether at residence or at job. Parliamentarians, ordinary men, organisations and societies dedicated to the welfare of women have all been involved in the debate. The government established numerous commissions to investigate the status of women in Indian society. Successive Commissions of Women have mentioned in their findings the inequitable status of women in every aspect of life and have proposed the establishment of an organisation to fulfil the monitoring operations and also to promote the redress of women's conflicts. The commission's reports and counselling laboratory handles all grievances subject to domestic violence, harassment, dowry, torture, desertion, bigamy, rape, refusal to register FIR, brutality by husband, deprivation, gender discrimination, but also sexual harassment at work that are obtained orally, in writing, or Suo-moto under Section 10 of the National Commission of Women

Act.¹ The movement for women's empowerment as part of a massive civilizational transformation was among the most substantial social as well as political developments of the twentieth century. Empowerment has indeed been defined as a process, a movement, or a collaborative action that strengthens the capacity of underprivileged and powerless individuals or communities to challenge and modify existing power relationships that place them in a subordinate economic, social, and political position. It is just a process including not only questioning but also eliminating gender inequality². That is a way to help development thought, conscience, religion, and belief. It meets the moral, ethical, spiritual, and intellectual needs of both men and women, either individual basis or collectively.

In numerous instances, the Supreme Court and High Court have expressed deep concern about women's issues in order to safeguard them from institutional sexism in equality. India is a founding member of the United Nations. The United Nations charter places a special emphasis on fundamental human rights. Article 51 of India's constitution directs the state to produce efforts to promote regard for "international law and treaty obligations." The United Nations Charter as well as numerous resolutions, declarations, covenants, and conventions on human rights comprise the corpus of international law, but also India is a signatory to the majority of human rights agreements. The higher judiciary is responsible for providing authoritative interpretations of the constitution. The Supreme Court of India is the highest judicial organ of the state, and any interpretation issued by this court is the highest authority and thus binding on all authorities in India³.

JUDICIAL CONTRIBUTION IN WOMEN EMPOWERMENT

The Indian judiciary had played a pivotal (key) role in establishing women's equality of rights and safeguarding them from sexual and other forms of exploitation. The Indian judiciary has refused to take the traditional view that women's primary destiny and mission is to fulfil the noble and benign offer of wife and mother, or that women's physical structure necessitates unique role expectations. In his book *Human Rights and the Law* (1986), Mr. Justice Krishna Iyer argues that if there could be Rani of Jhansi or Phoolan Devi, Queen Elizabeth I, Madame Curie, Queen Victoria, or Indra Gandhi,

¹ N.A. Zuberi, "The Protection of women from domestic violence Act and Rules" P-105, Allahabad Law Agency Faridabad (Haryana)

² Empowerment of women; Challenges & prospects by P.S. Lathwal Indian socio-Legal Journal Voi. XXXIV Nos. 1 & 2

³ INDIA CONST at Article 141.

there could be army generals and police chiefs. He contends that women are not restricted to soft and pretty jobs and that they can work just as hard as men and as creatively as men.

Gender justice has always been supported by the judiciary. The protection of women's property rights is not a new phenomenon in the Indian Supreme Court or High Court. Women's empowerment isn't any longer just a slogan; it is a global movement that is causing significant changes in socio-legal systems all over the world⁴. The Indian judiciary has made significant contributions to the women's empowerment movement. The judiciary is to become a social revolutionary arm, enshrining the equality that Indians had yearned for. It is a well-known fact that the judiciary is the third branch of government in any democracy. The judiciary is the guardian of the people's fundamental rights.

Approaches of Supreme Court of India

The Supreme Court of India considered incorporating international instruments on women's human rights into domestic law through fundamental rights. In a number of cases, the Supreme Court has expressed great regard about women's issues, particularly their protection against gender bias / inequality. Some of these are illustrated below.

- i. In providing compensation in a case of custodial death, the Supreme Court's three-judge bench invoked article 9(5) of the International Covenant on Civil and Political Rights of 1966. Throughout this case, the Government of India had made a reservation about acknowledging the obligation to pay compensation. The court, moreover, ruled that such a reservation was inapplicable because condensation could be awarded for public wrongs involving the violation of a citizen's fundamental right to life⁵.
- ii. The Supreme Court ruled in a case where Inter-caste marriage is not prohibited by any Act or other Law-Major boy or girl is free to marry or live with anybody she wants⁶.

⁴ G. Austinn- The Indian constitution cornerstoe of nation, p. 169 cited by J.N. Pandey. Constitutional Law of India, 38th Edition, 2002. Page 421.

⁵ Nilabati Behera V. State of Orrisa, (1993)2 SSC 746.

⁶ Lata Singh v. State of Uttar Pradesh & Anr, AIR 2006 SC 2522(1) Vol. 3

- iii. On a writ petition for the enforcement of working women's fundamental rights, the Supreme Court approved a guideline against sexual harassment at work. The court ruled that sexual harassment at work violates the rights to gender equality as well as the right to life and liberty⁷.
- iv. It will also be a violation of Article 19, where it guarantees the right to practise any profession, trade, or business and states that the right to work is contingent on a safe working environment as well as the right to life and dignity. A two-judge bench of the Supreme Court heard a case of sexual harassment of a lady secretary by her immediate male superior.⁸
- v. The court based on the Convention on the Elimination of All Forms of Discrimination and observed: "These international instruments impose a responsibility on the Indian state to gender sensitise its laws, and the courts have an obligation to ensure that the message of the international instruments isn't really drowned out." The court has a responsibility to consider international conventions and norms when construing domestic laws, especially since there is no inconsistency among them and a void in domestic law⁹.
- vi. The approach was demonstrated once more in *Chairman*, in which a female tourist from Bangladesh was re-enacted in the railway. An Advocate of the Calcutta High Court filed the petition on her behalf¹⁰. The Supreme Court ruled that our Constitution, in Part III, guarantees to its citizens and others, including aliens, all of the basic and fundamental human rights outlined in the 1948 Universal Declaration of Human Rights. The court will decide international human rights norms when interpreting the national constitution.
- vii. The Supreme Court held¹¹ that no presumption under section 113-B of the Evidence Act would be drawn against the accused if it could be demonstrated that cruelty and harassment followed the alleged demand, and that mere laps of time would not provide an accused with a defence, if the sequence of events, including cruelty or harassment in relation to the dowry demand, can be shown to have occurred earlier in time, not too late or too soon before the woman's death. In the current case, the husband, father-in-law, mother-in-law, brother-in-law, and sister-in-law were found guilty of insulting the dead under Section 304-B of the Indian Penal Code. The demand for dowry, on the other hand, is not forbidden by law. In the absence

⁷ *Vishaka and others v. State of Rajasthan and others*, AIR 1997 SC. 301

⁸ *Apparel Export Promotion Council v. A.K. Chopra*. 1991 SCC 759

⁹ *id*

¹⁰ *Rly. Board V. Chandrima Das*, 2000 2 SCC 665; AIR 2008 SC 988

¹¹ *Kans Raj. V. State of Punjab*, AIR 2000 SC 2324

of proof of dowry demand, the Supreme Court concluded that simple taunting is sufficient to warrant a conviction under Section 304-B I.P.C. This taunting is offensive or annoying.

viii. In a case¹², the regulation of AIR India and Indian Airlines was challenged as a breach of Article 14. They said that an air hostess was retired I when she reached the age of 35, (ii) when she married within four years of joining the service, or (iii) when she had her first pregnancy, whichever happened first. The managing director was also granted the ability, at his discretion, to raise the age restriction to 45 years old if an AIR hostess was deemed medically fit. The Supreme Court invalidated regulations compelling flight hostesses to retire. On her first pregnancy, as unconstitutional, lawful, and in breach of Article 14, since it had the quality of injustice and had a stiff neck. Using their service for four years and then terminating her service if she became pregnant amounts to pressuring the airhostess not to have children, thereby meddling with and diverting the natural flow of human nature. It was seen as an affront not just to Indian womanhood, the most precious and revered institution, but also to cruel and brutal behaviour. The regulation forcing an air hostess to retire if she marries within four years of starting her career was kept since it was neither arbitrary or arbitrarily applied.

ix. In a case¹³, a law requiring married women to obtain the approval of their husbands before applying for public job was challenged as violating articles 14, 15, and 16 of the Constitution. The court also addressed economic independence for women. Consider the current situation in which a husband may prevent a wife from being financially independent. As a result, such a mandate violates constitutional safeguards and impedes efforts to promote gender equality.

While the constitution guarantees men and women equal opportunities, if a woman is qualified and competent, she should be given a job as a matter of right and respect for her gender. Insisting on her spouse's approval is akin to dismissing her without regard for the constitutional need. The Indian Supreme Court, according to this assessment of court rulings, is aware of the problem of violence against women, even in areas where municipal legislation does not exist. It has not shied away from using international human rights law related to women in addressing cases of violence against women, and it has played an effective and significant role in safeguarding women's human rights.

¹² Air India v. Nargesh Mirza, AIR 1981 SC. 1829

¹³ Mayadevi v. State of Maharashtra

- i. Social security refers to government provisions for aiding persons who are jobless, sick, crippled, or otherwise unable to improve their position in society¹⁴.
- ii. The Supreme Court issued its decision in a case where Audrey D Casta concluded that no wage discrepancy between men and women is permissible¹⁵.
- iii. In another case, in the case, a female employee was refused maternity leave, which the court said was unlawful¹⁶.
- iv. The Supreme Court used the principle of harmonious construction in protecting the constitutional guarantee of gender equality. It maintained the legality of Section 6 (a) of the Hindu Minority and Guardianship Act 1956, declaring that the mother may act as natural guardian of a minor even if the father is still living. The word "after" in this section did not necessarily mean "in the absence of thus, if the father was absent from the care of the minor's property or persons for any reason whatsoever (though alive), the minor's mother, as a recognised natural guardian, could act validly on behalf of the minor as the guardians¹⁷.
- v. The Supreme court heard arguments about the rules governing seniority and progress in the Indian Foreign Service, and it was decided that these rules were unconstitutional and the result of the macho attitude of cuffing the weaker sex. In the current instance, which was the focus of a writ petition submitted to the Supreme Court, it was claimed that she had been denied promotion to grade 1 on the grounds of her sex, in violation of article 15 of the 1950 Indian Constitution. If it is felt that her capacity to function as necessary for appointment to the service in violation of article 15 of the constitution is impaired by her family life after marriage, she may at any time be asked to resign. In light of the judgement described above, these clauses have been deleted¹⁸.
- vi. It is incorrect to interpret the distribution of seats to women in local government and educational institutions as sexism. In a case, the Supreme Court relied on the directive of Article 15(3) of the Constitution read with the said rules to uphold the constitutional validity of the proviso to Section 316(1)(a) of the Andhra Pradesh Co-operative Societies Act, 1964, as well as of the Rules 22(c) and 22A(3)(a) framed thereunder, providing for the nomination

¹⁴ Oxford advanced learners dictionary of current English, 834. (ELBS, Oxford University press oxford 1974.)

¹⁵ Mackinn and Mackenzie v. Canada. AIR 1987 SC1281

¹⁶ Bombay Labour Union v International Franchise, AIR 1966 SC 9421

¹⁷ Geeta Hari Haren v. Reserve Bank of India , AIR 1939 SC. 1149

¹⁸ C.B. Muthamma V. Union of India, AIR 1579 SC 1368

of two women members by the Registrar of the managing committee of cooperative organisations, which is able to vote and participate in committee meetings. The Supreme Court upheld the legitimacy of these measures in accordance with Article 15(3) of the Constitution, which permits the development of specific provisions for women¹⁹.

The 73rd and 74th Constitutional Amendments included Articles 243(d) and 243 in 1992, reserving seats for women in Panchayats and municipalities (t). According to Article 243(b) of the Constitution, a minimum of one-third of the total number of seats in each Panchayat must be filled by women through direct elections. These seats may be rotated among different constituencies in a Panchayat, but they must make up at least one-third of the total number of seats. At every level of the Panchayat, the chairperson must be a woman. In municipalities, similar regulations regarding women's seat reservations are outlined in Article 243(t) of the Constitution.

As a result, the administration was successful in reserving 33 percent of the seats in local government for women using its constitutional jurisdiction, which is regarded as a ground-breaking legislative move. To provide women a third of the seats in the Lok Sabha and State Assemblies, the Parliament tabled the 81st Constitutional Amendment Bill. The Bill, however, has not yet been passed into law and has instead been sent to a Joint Committee of Parliament. In view of the aforementioned Constitutional provisions, it may be said that India has made considerable strides in empowering women to participate in politics at the level of policy decision-making. Special rules and amendments to current law have been made to guarantee that women have seats reserved in the workforce. In actuality, the state is compelled under the constitution to employ legal means, such as appointing women for jobs in the government, to integrate them into society. It should be noted that, despite several judicial challenges to the constitutionality of the rules controlling the reservation of seats for women in government employment, the women have generally won out.

- i. In a case, the Supreme Court recommended the establishment of the programme for compensating rape victims. The court advised the establishment of a criminal Inquires Compensation Board in accordance with article 38(1) of the Constitution. It was also

¹⁹ T. Sudhakar Reddy V. Govt, of Andhra Pradesh, 1993supp.(4)SCC439

determined that, with open trials being the exception, rape cases should normally be prosecuted in private²⁰.

- ii. Accordingly, the Supreme Court awarded any one of 10 women who had been the victim of rape compensation of ten lac under Article 21 of the Constitution²¹.
- iii. The Supreme Court has decided in a series of decisions that women's right to economic empowerment is a basic human right. The Supreme Court of India recognised, emphasised, and granted women the fundamental right to economic empowerment under certain circumstances. The spouse is not given any rights in respect to numerous marriages without any limitations, which is a well-established legal norm²².
- iv. In a case, the Indian Supreme Court ruled that a Hindu who converted to Islam's second marriage constituted bigamy. The highest court said that subsequent conversion does not give rise to a claim for the rightful ties in this case in the absence of a court-issued divorce judgement²³. Despite the person's conversion to a different faith, any subsequent marriages while the first marriage is still in force would be prohibited by section 494 of the Indian Penal Code of 1860 read with section 17 of the Hindu Marriage Act of 1955. Legal prosecution for the bigamy offence may be taken against other religions. It also follows if the original union was sanctified in line with the Hindu Marriage Act. After officially marrying someone else, a "husband" or "wife" cannot renounce their marriage by merely converting to a different religion.
- v. For instance, neither the Act nor the Rules make it clear that only Scheduled Caste candidates who have won elections from Scheduled Caste wards are eligible to run for office and that other Scheduled Caste candidates, even those who were electable enough to win elections in unreserved wards, are ineligible. Instead, the list stipulates that the candidate for the presidency must be a member of a Scheduled Caste²⁴.
- vi. In *Muster Roll*, the Supreme Court determined that both daily-paid workers of municipal corporations and those hired on a casual basis are entitled to maternity benefits. According to the court in the current case, the Delhi Municipal Corporation's job maintaining roads, erecting

²⁰ *Delhi Domestic Working Women's Forum v. Union of India*, (1995)1 SCC 14

²¹ *Chairman, Railway Board V. Chandrima Dass*, AIR 2000 SC 988 at P.977

²² *C. Masilmami Murlidhar V. Idal of Sri Swami Thaswami Thirukoil*, AIR 1996 SC 1696

²³ *Lily Thomas V. Union of India*, AIR 2000 SC 1650

²⁴ *Kasmabhat F. Banch V. Chandubahi D Rajpur*, 1998(1) SCC 285 AIR 1998 SC. 815

structures, or excavating trenches would be regarded as industry. One of the legislative provisions of industrial law that applies to employees on muster list for these tasks, as well as to workers, is the Maternity Benefit Act of 1961. The conflict between the workers and the company would thus need to be settled as an industrial conflict²⁵.

- vii. The Supreme Court decided that section 6 of the Hindu Succession Act, 1956 should be followed to determine each party's share of the joint family property. In accordance with this decision, the court also ruled in favour of the seven daughters and male heirs of the joint family²⁶.
- viii. In a recent case, the court sided unfavourably with women's property rights and denied the daughter-in-law claim laws to the father-in-law property laws on the grounds that the son had murdered his own father²⁷.
- ix. In a case regarding property-related presents, the Supreme Court decided that, within reasonable limits, a parent may give his daughter inherited immovable property²⁸.
- x. Only significant daughters who were single when section 29A of the Hindu Succession Act, 1956 went into force may benefit from it, the court stated in one case²⁹.
- xi. If a female had property inherited from her father or mother, it would only pass to the father's heirs and the woman's sister, who was the only legal heir of her father, in the absence of the deceased's son or daughter, as well as the offspring of any predeceased son or daughter. The dead Hindu woman was acknowledged to have inherited the subject land from her mother. The legislators obviously meant that a property should go to the father's lawful heirs if it was initially owned by a deceased female's parents. Furthermore, the succession rules outlined in section 15(2) of the Hindu Succession Act would not be altered by the fact that a female Hindu first held a limited right before obtaining the full right in any way³⁰.
- xii. According to Section 3 of the Hindu Women's Rights to Property Act, 1937 (since repealed), a widow inherits her husband's property. She speaks on behalf of the entire estate³¹.

²⁵ Municipal Corporation of Delhi V. Female Workers, AIR 2000 SC 1274

²⁶ P.S. Sairam v. P.S. Rana Rao, C.A. Appeal No.817 of 2002 decided in February 4, 2004

²⁷ Valiikannu V. R. Singaperumal, AIR 2005 SC 2587

²⁸ R. Kuppayee V. Raja Gounder, AIR 2004 SC 1284.

²⁹ B.Chandrasekhar Reddy V. State of A.P., AIR 2003 SC 2322

³⁰ Bhagt Ram (D) by LRs V. Teja Singh (D) by LRs, AIR 2002 SC 1.

³¹ Naryan Govind Hedge V. Kamalakara Shivarama Hedge, AIR 2001 SC 3861.

- xiii. It was not previously a legal right for a daughter to be entitled to her father's fortune in the event that the father died intestate. Both during her father's lifetime and after his demise, the daughter's maintenance responsibilities may be covered by the father's bequest³².

Approaches of High Court of India

It is a well-known fact that the judiciary is the third department of government in democracies. The judiciary is in charge of protecting peoples' fundamental rights. In addition to establishing new rights for women through imaginative interpretation, the supreme court has made significant decisions in other issues concerning women. Some of these have been left fallow.

- i. The woman is entitled to maintenance if it cannot be proven that the husband and wife were cohabiting after getting divorced and were instead apart³³. Additional Medical Compensation The husband must provide more money to the wife's medical costs; the wife is entitled to interim support³⁴.
- ii. The spouse cannot use the justification that he was married against the Child Marriage Restraint Act to escape paying support³⁵. Hindu Adoptions and Maintenance Act of 1956 Section 18 An interim maintenance order may be issued if the parties' status is uncontested³⁶.
- iii. According to section 18 of the Hindu Marriage Act of 1955, the court is not entitled to provide support in the interim if there is a significant disagreement between the parties on the nature of their connection³⁷.
- iv. The Bombay High Court ruled that in light of the case where the husband cannot get a divorce order on the basis of a false claim of desertion³⁸.
- v. Dissertation is not required to work at Distant Place: In a case³⁹, the Punjab & Haryana High Court ruled that the woman could not get a divorce decree on the grounds that her husband worked at a different location. This is not a valid argument.

³² Balwant Kaur V. Charan Singh, AIR 2000 SC 1908.

³³ Molyalri V. Vishram Singh 1992 Cr. L.J. 69 (M.P.)

³⁴ Ajay Saxena V/s Rachna Saxena AIR 2007 Delhi-39

³⁵ Roop Nat-yan Verma V/s Union of India. AIR 2007 Chh. 64

³⁶ Satyavir Vashits V/s Asha Gambhir, AIR 2007 (P & H) 8.

³⁷ Jaiver V. Smt. Babita, 1997Cr. L.J. 2525

³⁸ Prabhat Shikuba Panwar v. Swati Alias Puspa Pawar, AIR 2008 (NOC) 1110 (P&H)

³⁹ Gurinder Singh v. Bhupinder Kaur, AIR 2008 (NOC) 1110 (P&H)

- vi. The decision in the Alahabad High Court states that the desert wife is eligible for maintenance as of the filing date⁴⁰. The disputed ruling calling for maintenance to be paid.
- vii. In the case at hand. According to the Rajasthan High Court, a wife who has left her husband's home because she was forced to prepare non-vegetarian meals for him in violation of her religious beliefs is not at fault for doing so. Any action that would go against her religious beliefs cannot be forced upon her⁴¹.
- viii. In a case⁴², Hindu Adoption and Maintenance of Wife Second Wife Has Right to Claim Maintenance Legislation Has Defined Distinction Between "Second Wife" and Concubine Husband not disclosing Factum of His First Marrying, Marriage Appellant and Then Maintenance Relationship of Husband and Wife for a Long Period of 14 Years Throughout all throughout the time when the appellant and respondent were living together as husband and wife. Respondent's first wife was nowhere to be found and was completely unaware of the connection. To the general public, appellant second wife was recognised as a legally wedded woman who cared for respondent as her husband and his two daughters, whom she fed and reared. For the purposes of Section 18 and Subsection 1(2) of Section 18 of the Act, an appellant can be considered to be a lawfully married wife, giving a Hindu wife the right to maintenance from her husband if he has another wife.
- ix. In a recent judgement, it was determined that unmarried females are entitled to the same rights as sons under sections 6 and 6A of the Hindu Succession Act, 1956⁴³.
- x. The Andhra High Court ruled in favour of the deceased husband's first wife on the property right in the matter where it was decided that because the second wife was not officially married, she would not be entitled to any property. Since there being no other survivor, the first wife is entitled to the entire property⁴⁴.
- xi. In a different case, the Karnataka High Court ruled that the widow of a deceased son was not a Class I heir of "V," who passed away intestate⁴⁵.
- xii. The Andhra Pradesh High Court declared in the case, where a concubine has the right to be maintained by her lover till she dies. It was not abolished by the 1937 Hindu Women's Rights

⁴⁰ Jaiver v. Smt. Babita, AIR 2007 (NOC) 1226 (Rajasthan {DB})

⁴¹ Ashok Kumar Jain v. Smt. Sumati Jain, AIR 2007 (NOC) 1227 (Rajasthan {DB})

⁴² Smt. Narinder Pal Kaur Chawla V. Manjeet Singh Chawla. AIR 2008 Delhi-7

⁴³ Ravikirthi Shetty V. Jagathapala Slietty, AIR 2005 Kam 194

⁴⁴ Millipede Sessaish (deceased) v. Narendra Tulsamma (deceased), AIR 2005 AP 221

⁴⁵ Ganeshappa (Deceased by LRs) v. V. Krishnama, AIR 2005 Kam 160.

to Property Act. The life interest in the home that was given to her in lieu of maintenance before the Hindu Succession Act of 1956 was passed would eventually turn into the whole estate after that statute was passed⁴⁶.

- xiii. The Calcutta High Court determined that a woman's right to her house is unaffected even if the tenant vacates the premises while a litigation is ongoing in a case regarding a woman's property rights. In this case, a tenant was only partially residing in the female petitioner's home⁴⁷.
- xiv. The widow's claim to property prompted the Jharkhand High Court to voice its concern over property distribution. This Hindu guy left a widow and two boys when he went away. He went dead before the 1956 Hindu Succession Act, which abolished the 1937 Hindu Women's Rights to Property Act, came into effect. The widow would not be entitled to any share of the property that would be divided equally between his two children⁴⁸.

As a result, when dealing with the Hindu Succession Act of 1956's provisions regarding women's property rights, the High Court's take the Act's legislative intent into consideration. However, they must contend with the issue of diverse rules of succession among Hindus because the magnitude of unaltered portions of Hindu Law varies with the ideas of the various schools of Hindu law. This is so because the country had a core understanding of Hindu law before the Hindu Succession Act of 1956 was passed, and this notion was not entirely eliminated by the aforementioned Act. Thus, the tension between unaltered Hindu Law and codified Hindu Law makes it difficult for Indian courts to interpret a law's provisions in light of property rights and succession. The Hindu Succession Amendment Act of 2005 can help the courts safeguard women's property rights without ambiguity and passion, though not entirely. The Hindu Succession Act's modified provision is the entire Code for the protection of women's right to property, and the inclusion of sections 23 and 24 can provide additional gasoline to help Indian women achieve their long-awaited goal.

CONCLUSION

In India, we have many legislation to ensure the equal rights and protection to women for their

⁴⁶ Prakash v. Pushpa Vani, AIR 2004 NOC 463 (AP)

⁴⁷ Kamal Basu Majumdar V. Usha Bhadra Choudhary, AIR 2004 Cal 185

⁴⁸ Naresh Jha V. Rakesh Kumar, AIR 2004 Jharkhand 2

empowerment but its more effective when its greatly interpreted and implemented by judiciary. Thus, road map for women empowerment is there but still we have miles to go on this path of empowerment. Women are an integral part of a society. They play an important role in determining the destiny of a nation. So, its urge of nation for empowerment women in all the perspective.

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