

Women Empowerment in India: A Changing Scenerio with the Help of Legal Perspectives



Prahalad
Research Scholar,
Deptt.of Laws,
Panjab University,
Chandigarh



Vikash Garg
Research Scholar,
Deptt.of Laws,
Panjab University,
Chandigarh

Abstract

Women empowerment is debatable subject. At earlier time they were getting equal status with men but they had faced some problems during post-Vedic and epic ages. This paper presents some thoughts on the progress of Indian women towards her empowerment .Because from early twenty century their statuses have changed slowly and gradually. After the independence of India, the constitutional marks and national leaders strongly demand equal social position of women with men; today we have seen the women occupied the respectable position in all spheres of life. In this paper discuss the history and concept of Indian women empowerment in India, then social reformers role and feminist perspective .After this focus on status of women empowerment in India. Then focuses on government policies/commissions of women empowerment in India. And lastly discuss the some legal rights those every woman must know.

Keywords: Women, Empowerment, Feminism, Objectives, Constitutional and Legal Remedies

Introduction

The study is based on the available literature and present reports. It has been carried out to have a glimpse on the status of women in India and to evaluate the constitutional provisions under the constitution of India relating to empowerment of women. It is also aimed at studying the various case laws supporting the protection of women in India and the social problems faced by the women in India. The objective is also to suggest solutions to the problem faced by the women in India.

Women Empowerment in its simplest form means the manifestation of realization of power that challenges patriarchal ideology and the male dominance. It is both a process and the rest of the process. It is transformation of structures and institutions that reinforce and perpetuate under gender discrimination. It is a process that enables women to gain access to and control of material as well as information resources. It was indeed a fascinating experience to probe into the various facets of status of women and the legal and social issues arising thereof.

This research work is carried out in order to find out the status of women in the present scenario. But, there is a great need for the development of status of women in India. Therefore, there is a great need for creating awareness among the women. Also, there is a need to find out various other alternatives to improve the status of women.

Review of Litratue

The sociologist had described the women by propounding different perceptions. In India, the history speaks that the women are considered as a divine force but the multi-cultured Indian society placed the women at different positions. Thus, there is no uniform status placed the women in the Indian society. However, civilization showed the overall upliftment of women's position. Dr. S.C. Tripathy and Vibha Arora in " Law Relating to Women and Children" talks about In a civilised society, the women and children have significant place and they are regarded as the main component of the society. Also incorporates the Indecent Representation of Women (Prohibition) Act, 1986 and newly enacted the Prohibition of Child Marriage Act, 2006, important provisions of the Juvenile Justice (Care And Protection of Children) Amendment Act, 2006 and the Commission for Protection of Child Rights Act, 2005, the lqtest pronouncements of the Apex Court and High Courts .Prof. Narender Kumar in "Constitutional Law of India" examines that Constitution does not discriminate men and women. The Framers of the Constitution were well

aware of unequal treatment meted out to the fair sex, from the time immemorial. The Constitution of India contains various objectives including "the equality of status and opportunity" to all the citizens. The Protection of Women from Domestic Violence Act, 2005 (Bare Act) by Universal Publication includes the meaning and scope of domestic violence against women could aptly be clear from a glance at Criminal Law which address the offence as to domestic violence against women to certain extent. Prof. Kusum in "Family law Lectures Family law I" discuss about cruelty, adultery, desertion, fraud, conversion, impotency, mental illness, physical disease, bigamy, pre-marriage pregnancy of wife, Maintenance, etc.

History of Indian Women

In ancient India, the women enjoyed equal status with men in all fields of life. During the early Vedic period woman enjoyed a high status as she was considered as goddess and adored by her husband and the other members of the family. The medieval period brought further deterioration in the position of women. The society demanded the protection of women from the eyes of the Muslim rulers and led to the system of Purdah which blocked the way of her further progress. Society have taken off her individuality and encouraged her in 'Sati', a tradition of noble sacrifice in which the woman dies in the pyre of her dead husband. The evils of prostitution, female infanticide, early marriages, ban on widow remarriages and polygamy were prevailed during this period. The modern age can be referred to the period after independence of our country. The Article 15 of the constitution guaranteed equal rights for both sexes. In the light of the provisions of the constitution the social legislation has been passed to improve the education, health facilities and economic position. Due to the new socio economic backgrounds, access towards education, norms and principles lot of improvement took place in certain areas.

Concept of Women Empowerment

The concept of women's empowerment appears to be the outcome of several important critiques and debates generated by the women's movement throughout the world, and particularly by third world feminism. Its source can be traced to the interaction between feminism and the concept of 'popular education' developed in Latin America in 1970's (Walters 1991). In short empowerment is the process of awareness and capacity building leading to greater participation, to greater decision-making process and control, and to transformative action.

Feminism is a range of movements and ideologies that share a common goal: to define, establish, and achieve equal political, economic, cultural, personal, and social rights for women. This includes seeking to establish equal opportunities for women in education and employment. A feminist advocates or supports the rights and equality of women.

Feminist movements have campaigned and continue to campaign for women's rights, including the right to vote, to hold public office, to work, to earn

fair wages or equal pay, to own property, to education, to enter contracts, to have equal rights within marriage, and to have maternity leave. Feminists have also worked to promote bodily autonomy and integrity, and to protect women and girls from rape, sexual harassment, and domestic violence.

The term women's empowerment means:

1. Acquiring knowledge and understanding of gender relations and the ways in which these relations may be changed.
2. Developing a sense of self-worth, a belief in one's ability to secure desired changes and the right to control one's life.
3. Gaining the ability to generate choices exercise bargaining power.
4. Developing the ability to organize and influence the direction of social change, to create a more just social and economic order, nationally and internationally.

Why women need to be empowerment

In our society discrimination of women from womb to tomb is well known. There is continued inequality and vulnerability of women in all sectors – economic, social, political, education, health care, nutrition and legal. As women are oppressed in all spheres of life, they need to be empowered in all spheres of life.

Women need to be empowered, because women have and will lead us in our search for a world free of violence and war. Women have led the peace and ecology movements in many parts of the world. Kamla Bhasin believes that Sustainable development has to be women centered. Historically and even today women take care of the basic needs of society like food, fodder, fuel, shelter, nurturing. They are also more in tune with nature. As child bearers they have had to be more in tune with their own nature. They have also been creating and nurturing. She does not say that. It is because of women's socialization for centuries, and because of their pre-occupation with sustenance, nurturing, nursing.

Objectives of Women Empowerment

1. To identify gaps in the empowerment of women, development of children and adolescents;
2. Create a national network of public, private and NGO centers for delivering reproductive and child health services free to any client;
3. To create an enabling environment through convergence with other programmes;
4. To open more child care centers for working women and expand the availability of safe abortion care;
5. To use energy saving devices to reduce drudgery of women;
6. To identify the ways in which the effects of policies and programmatic interventions to promote women's empowerment have been measured;
7. To improve access to sanitation, drinking water, fuel, wood and fodder for women;
8. To develop health management and health package at all levels;

9. To improve accessibility and quality of maternal and child health care services;
10. To identify the evidence on how women's empowerment affects important development outcomes such as health, education, fertility behavior, income levels, etc.
11. Supporting community activities package for women;
12. To improve and increase clinical and contraception delivery services;
13. To organize educational and empowerment programmes for girls and women;
14. To train resource persons, animators and trainers for activities visualized;
15. To conduct and promote experimentations and innovations and research in the problems and programmes of empowerment of rural women;
16. To increase awareness in women, for their development to use their talent optimally not only for themselves, but also for the society as a whole;
17. To develop the skills for self-decision- taking capabilities in women and to allow them to present their point of view effectively in society;
18. To create awareness among women to be truly ambitious and to dream for betterment;
19. To make efforts in organizing the women for fighting against the problems and difficulties related to them; and
20. To integrate socio-economic activities with concern for health and environment protection in the light of the rural women culture.

Role of Social Reformers for Women and Liberal Feminist Perspective

In many social activities she is not permitted to mix with other members of the family. Other hand, she has very little share in political, social and economic life of the society. The early twenty century, it was rise of the National Movement under the leadership of Mahatma Gandhi who was in favor of removing all the disabilities of women. At the same time, Raja Ram Mohan Rai , Iswar Chandra Vidya Sagar and various other social reformers laid stress on women's education, prevention of child marriage, withdrawals of evil practice of sati, removal of polygamy etc. The National Movement and various reform movements paved the way for their liberations from the social evils and religious taboos.

Status of Women Empowerment in India

The committee on the status of women was appointed by the government of India in 22nd September 1971 to evaluate the changes that had taken place in the status of women as a result of the constitutional, legal and administrative measures adopted since independence. Another purpose was to examine the impact of the complex processes of social change on various sections of Indian women, particularly in rural sector. The committee was also asked to suggest 'measures which would enable women to play their full and proper role in building up the nation'

Now the women in India enjoy a unique status of equality with the men as per constitutional and legal provision like:

Beti Bachao, Beti Padhao

Beti Padhao, Beti Bachao is a Government of India scheme that aims to generate awareness and improving the efficiency of welfare services meant for women. Speaking on the occasion of International Day of the Girl Child, Prime Minister Modi , called for the eradication of female foeticide and invited suggestions from the citizens of India on "Beti Bachao, Beti Padhao" .Prime Minister Modi launched the programme on January 22, 2015 from Panipat, Haryana. It is separate concept for example, Beti bachao is related to female foeticide and beti padhao is related to education. In short we can say, beti bacho beti padhao means if beti will be not alive in the womb then how we can teach the beti? in first we should save the girl child and after that give more chance to education. The purpose of this scheme is to make the women empower.

Sukhanya Samridhi Yojna

(Literally *Girl Child Prosperity Account*) in a Government of India backed saving scheme targeted at the parents of girl children. The scheme encourages parents to build a fund for the future education and marriage expenses for their female child.

Swatch Bharat Abhiyan

It is a big programme, construction of toilets is one aspect of the Swatch Bharat programme . The programme aims to make India "open defecation free" by 2019. Every member of household including girl or women of family has access to a toilet and 100% usage of the toilet.

Government Policies /Commissions

The concept of empowerment flows from the power. It is vesting where it does not exist or exist inadequately. In India, the Ministry of Human Resource Development (MHRD- 1985) and the National Commission for Women (NCW) have been worked to Women Empowerment in India, introduced several new bills in the parliament from time to time towards eradication of many social evils The 73rd &74th Amendments (1993) to the constitution of India have provided some special powers to women that for reservation of seats (33%). . In India "The New Panchayati Raj " is the part of the effort to empower women at least at the village level. The government of India has ratified various international conventions and human rights instruments committing to secure equal rights to women. These are CEDAW (1993), the Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the platform for Action (1995) and other such instruments. The year of 2001 was observed as the year of women's empowerment. During the year, a landmark document has been adopted, 'the National Policy for the empowerment of women.' For the beneficiaries of the women, the government has been adopted different schemes and programs i.e. the National Credit Fund for Women (1993), Food and Nutrition Board (FNB), Information and Mass

Education (IMF) etc. The most positive development last few years has been the growing involvement of women in the Panchayati Raj institutions. There are many elected women representatives at the village council level. Today we have seen women chief ministers, women president, different political parties leader, well establish businessmen etc. The most notable amongst these are Mrs. Pratibha Devi Singh Patil, Shila Dixit, Mayawati, Sonia Gandhi, Bindu Karat, Nazma Heptulla, Indira Nuyee (pepsi-co), BJP leader Susma Soraj, railway minister Momta Benarji, 'Narmada Basao' leader Medhapatekar, Indian Iron Woman, EX-prime minister Indira Gandhi etc.

Special initiative for women

National Commission for Women

In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

Reservation for Women in Local Self – Government

The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

The National Plan of Action for the Girl Child (1991-2000)

The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

National Policy for the Empowerment of Women, 2001

The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a "National Policy for the Empowerment of Women" in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

Role of Education

Education as means of empowerment of women can bring about a positive attitudinal change. It is therefore, crucial for the socio-economic and political progress of India. The Constitution of India empowers the state to adopt affirmative measures for prompting ways and means to empower women. Education significantly makes difference in the lives of women. These can be direct or indirect. Few are being mentioned here.

Improved Economic Growth

Education increases the economic, social and political opportunities available to women. It leads to direct economic benefits in the form of higher lifetime earnings for women. Besides improving human capital and increasing economic growth, female education also reduces the fertility rate.

Lower Population Growth

Education increases women's knowledge about controlling fertility and access to family planning services and often encourages them to delay the age at which they marry.

Constitutional and Legal Rights of Women in India

Lots of provisions have been introduced through constitution to ensure dignity and self respect to the women at large. As mentioned earlier Dr. B. R. Ambedkar, author of Indian constitution, make sure that constitution of India safeguard the social and legal rights of women. Some of the provisions made in favor of Indian women, in constitution of India are:-

Constitutional Rights

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favor of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment.

Article 14

Equality before law for women

Article 15(1)

The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

Article 15(3)

The State to make any special provision in favor of women and children

Article 16

Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State

Article 39(a)

The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood ;

Article 39(d)

Equal pay for equal work for both men and women

Article 39(A)

To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities

Article 42

The State to make provision for securing just and humane conditions of work and for maternity relief

Article 46

The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation

Article 47

The State to raise the level of nutrition and the standard of living of its people

Article 51(A) (e)

To promote harmony and the spirit of common brotherhood amongst all the people of India

and to renounce practices derogatory to the dignity of women

Article 243 D(3)

Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat

Article 243 D (4)

Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women

Article 243 T (3)

Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality

Article 243 T (4)

Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide

Legal Rights

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These rights are broadly classified under two categories:-

The Crimes Identified Under the Indian Penal Code (IPC)

1. Rape (Sec. 376 IPC)
2. Kidnapping & Abduction for different purposes (Sec. 363-373)
3. Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
4. Torture, both mental and physical (Sec. 498-A IPC)
5. Molestation (Sec. 354 IPC)
6. Sexual Harassment (Sec. 509 IPC)
7. Importation of girls (up to 21 years of age)

The Crimes identified under the Special Laws (SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

1. The Employees State Insurance Act, 1948
2. The Plantation Labour Act, 1951
3. The Family Courts Act, 1954
4. The Special Marriage Act, 1954

5. The Hindu Marriage Act, 1955
6. The Hindu Succession Act, 1956 with amendment in 2005
7. Immoral Traffic (Prevention) Act, 1956
8. The Maternity Benefit Act, 1961 (Amended in 1995)
9. Dowry Prohibition Act, 1961
10. The Medical Termination of Pregnancy Act, 1971
11. The Contract Labour (Regulation and Abolition) Act, 1976
12. The Equal Remuneration Act, 1976
13. The Prohibition of Child Marriage Act, 2006
14. The Criminal Law (Amendment) Act, 1983
15. The Factories (Amendment) Act, 1986
16. Indecent Representation of Women (Prohibition) Act, 1986
17. Commission of Sati (Prevention) Act, 1987
18. The Protection of Women from Domestic Violence Act, 2005

Some Legal Rights Those Every Woman Must Know

Free Legal Aid

Often, women go to the police station unaccompanied by a lawyer to get their statement recorded, and they stand the risk of being misquoted or their statement being tampered with. The police may also treat the entire episode lightly and not lodge an FIR. So, it is necessary to have a lawyer with you while you lodge the FIR.

Right to Privacy While Recording Statement

Under section 164 of the Criminal Procedure Code, a woman who has been raped can record her statement before the district magistrate when the case is under trial, and no one else needs to be present. Alternatively, she can record the statement with only one police officer and woman constable in a convenient place that is not crowded and does not provide any possibility of the statement being overheard by a fourth person.

Time doesn't Matter

The police cannot refuse to register an FIR even if a considerable period of time has elapsed since the incident of rape or molestation took place.

Email to The Rescue

If, for some reason, a woman can't go to the police station, she can send a written complaint through an email or registered post addressed to a senior police officer of the level of Deputy Commissioner or Commissioner of Police

Cops can't Say No

A rape victim can register her police complaint from any police station under the Zero FIR ruling by Supreme Court. "Sometimes, the police station under which the incident occurs refuses to register the victim's complaint in order to keep clear of responsibility, and tries sending the victim to another police station. In such cases, she has the right to lodge an FIR at any police station in the city under the Zero FIR ruling. The senior officer will then direct the SHO of the concerned police station to lodge the FIR," says Abed.

No Arrests after Sunset

According to a Supreme Court ruling, a woman cannot be arrested after sunset and before sunrise. Even if there is a woman constable accompanying the officers, the police can't arrest a woman at night. In case the woman has committed a serious crime, the police has to get it in writing from the magistrate explaining why the arrest is necessary during the night.

You can't be called to the Police Station

Women cannot be called to the police station for interrogation under Section 160 of the Criminal Procedure Code. This law provides Indian women the right of not being physically present at the police station for interrogation. "The police can interrogate a woman at her residence in the presence of a woman constable and family members or friends.

Protect Your Identity

Under no circumstances can the identity of a rape victim be revealed. Neither the police nor media can make known the name of the victim in public. Section 228-A of the Indian Penal Code makes the disclosure of a victim's identity a punishable offence.

The doctor can't decide

A case of rape can't be dismissed even if the doctor says rape had not taken place. A victim of rape needs to be medically examined as per Section 164 A of the Criminal Procedure Code, and only the report can act as proof. "A woman has the right to have a copy of the medical report from the doctor.

Employers must protect

It is the duty of every employer to create a Sexual Harassment Complaints Committee within the organization for redressal of such complaints. According to a guideline issued by the Supreme Court, it is mandatory for all firms, public and private, to set up these committees to resolve matters of sexual harassment. It is also necessary that the committee be headed by a woman and comprises 50% women as members.

Conclusion

To conclude I would like to say that, There is many crime against women in India like rape, dowry, domestic violence, eve teasing, in spite of many crime our government and law take positive step towards the improve of women condition in India. There are many commissions, laws and legislation for women. The law and legislation prove the women

empowerment and battlement of women. But time has radical changed, so there is need to implement their provision so that women we will empower properly and freely in domestic state. Women empower show the gender equality in all sphere of life. Women empowerment is most useful weapon for the development of country. Our society respects the women and gave equal power and chance to progress the women. In Vedic verse said 'wherever women is respected, God reside there'.

References

1. Gupta Sumen, {1999} *Women in Modern India, Problems and issues*, Notional publishing House P.87
2. *Status of women in India; a synopsis of the report of national committee on status of women in india 1971-74.*
3. Sahay Shushma, *women and empowerment, Approaches and strategies 1998*
4. http://shodhganga.inflibnet.ac.in/bitstream/10603/8562/9/09_chapter%204.pdf
5. https://en.wikipedia.org/wiki/Sukanya_Samridhi_Account
6. https://en.wikipedia.org/wiki/Beti_Bachao,_Beti_Padhao_Yojana
7. <http://www.sukanyasamridhiaccountyojana.in/>
8. https://en.wikipedia.org/wiki/Swachh_Bharat_Abhayan
9. http://www.ripublication.com/ijepa/ijepav1n3_1.pdf
10. <http://www.indiastudychannel.com/resources/155065-Legal-Constitutional-rights-women-India.aspx>
11. <http://www.hindustantimes.com/chandigarh/10-legal-rights-every-woman-must-know/story-EhpmDjzizXDPTv4eR0hAJP.html>
12. <https://en.wikipedia.org/wiki/Feminism>
13. <http://www.iipa.org.in/New%20Folder/8--Mamta.pdf>
14. Dr. S. C. Tripathy and Vibha Arora(2014), *Law Relating to Women and Children*, Central Law Publication
15. Prof. Kusum(2015), *Family Law Lectures Family Law I*, Lexis Nexis
16. *The Protection of Women form Domestic Violence Act, 2005, Bare Act, 2013*, Lexis Nexis
17. Prof. Narender Kumar(2013), *Constitutional Law of India*, Allahbad Law Agency.