

# Empowerment of Women: Role of State in Indian Perspective



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## Abstract

*"To awake the people, it is the women who should be awakened. Once she is on the move, the family moves, the nation moves". (Jawaharlal Nehru)*

In spite of her remarkable contribution in every field of life whether home or place of work, still she is at the receiving end at the hands of male hegemony. This parochial mindset approach needs to be addressed so that the role of women in growth and prosperity of state and society as a whole can be recognised as a tool of change. One such important tool in empowerment of women is state itself and state has to show its writ on ground level. Its policies and laws in long run will definitely prove a positive factor a, beacon light to meet out the challenges faced by them and this will overcome the negative thoughts of society.

**Keywords:** Women, State, laws, Emancipation, Policies, Problems, State as Instrument of Change, etc.

## Introduction

The development of a nation especially depends on the social status of women. Women constitute almost one half of the globe's population. Women have been victims of exploitations by male dominated society. Today women continue to be exploited. The position is same everywhere whether developed, the developing or under developed. Researchers from Wales-based Swansea University's Centre for Criminal Justice and Criminology who cared out online study said that one in 20 students had worked in sex industry while they pursued a degree to make ends meet.<sup>1</sup> Women need to be empowered and men need to be oriented about their obligations towards women.

Women play major roles during various stages of their life as a daughter, wife, mother and sister, etc. In spite of her contribution to human beings, she still belongs to a backward class on account of various social, political, economic and psychological barriers and impediments. On one side, woman is worshipped as goddess and on the other side she is oppressed, suppressed, depressed, exploited and victimized by the male dominated society. *Women in India generally* are handicapped by entrenched caste, class and gender hierarchies, ethnic and religious discrimination as well as unequal distribution of resources. In many parts of the country, sex ratio has dropped to fewer than 618 females per 1000 males.<sup>2</sup>

## Aim of the Study

Aim of this paper is to highlight the problems of women and consequently the role of State in addressing their issues and strengthening the faith of society on state in emancipation of women.

## Violence against Women

Child marriage, domestic violence and low literacy rates have lowered Indian women's economic opportunities and contributed to sexual violence in India.<sup>3</sup> Martha C. Nussbaum states that "In the larger society, violence and the threat of violence affects many women's ability to participate actively in many forms of social and political relationship, to speak in public, to be recognized as dignified beings whose worth is equal to that of others."<sup>4</sup> Self-confidence is likely to increase participation among Indian women, specifically in running for election.

## Discrimination

Although the Constitution of India removed gender inequalities among caste and gender, discrimination continues to be a widespread barrier to women's political participation. A 2012 study of 3,000 Indian women found the barriers in participation, specifically in running for political office, in the form of illiteracy, work burdens within the household, and discriminatory attitudes towards women as leaders.<sup>5</sup> Discriminatory

attitudes manifest in the limitations presented to Indian women including low access to information and resources. Women rely on receiving information from family or village members, typically men. Women also lack leadership experience due to the fact they are burdened with household duties. The burden of household duties is a significant reason why many Indian women do not participate. Unlike men, there are fewer opportunities for women to get involved in organizations to gain leadership skills.<sup>6</sup> There is little public space for them as men have dominated the political arena for many years in India.<sup>7</sup>

Discrimination is further perpetuated by class. Dalit women, of the lowest caste in India, are continually discriminated against in running for public office. Dalit women experience harassment by being denied information, ignored or silenced in meetings, and in some cases petitioned to be removed from their elected position.<sup>8</sup>

#### **Illiteracy**

India has one of the largest illiterate populations. In January 2014, the United Nations reported 287 million adults in India are illiterate.<sup>9</sup> Literacy among Indian women is 53.7%, which is much lower than literacy among men reported at 75.3%.<sup>10</sup> Illiteracy limits the ability of women to understand the political system and issues. Problems with exploitation, such as women being left off of voters lists, have been reported as illiteracy limits the ability of women to ensure their political rights are exercised.<sup>11</sup> Martha C. Nussbaum concerning political participation stated, "Because literacy is connected in general with the ability to move outside the home and to stand on one's own outside of it, it is also connected to the ability of women to meet and collaborate with other women."<sup>12</sup> Studies conducted by Niraja Jayal and Nirmala Buch found women are "persistently mocked and devalued in the panchayats if they are illiterate."<sup>13</sup> Nussbaum also found literacy can play a key role in the dignification and independence of women in politics by giving them access to communications, such as memos and newspapers, they can become better informed on political issues.

India is ranked 132 out of 148 countries on Gender Inequality Index as per the 2013 Global Human Development Report. Women from disadvantaged groups such as Scheduled Castes, Scheduled Tribes and minorities in particular face discrimination, exploitation and limited employment opportunities. Under the post 90s impact of global processes the poorest SC have been most adversely affected and become more poverty stricken. Studies have pointed out to growing incidence of poverty, rising levels of rural unemployment, wage squeeze, rising levels of mortality and illness as well as declining levels of consumption shares, real wages and consumer monthly per capita expenditure among SC.<sup>14</sup> UNDP argues that where development is not 'engendered' it is 'en-dangered'.<sup>15</sup> That is a simple but far-reaching message of this report.

The need of the hour is empowerment of women. Empowerment essentially means decentralization of authority and power. It means

giving voice for voiceless. Empowerment may mean equal status to women to develop her. Man should give women opportunity and freedom to develop her. Women empowerment looks at basic woman rights and attempts on organising to attain them. Women empowerment can influence not only their own lives but also the lives of man and children. Women empowerment may enhance their self-confidence and their ability and willingness to challenge oppression. Women empowerment basically aims at eliminating discrimination and challenging gender inequality. Empowerment means control over material assets, intellectual resources and ideology. It involves power to, power with and power within. Unless capacity is built in these sections in reality the power is used by others rather than the section for which they are meant.<sup>16</sup>

The principle of gender equality is enshrined in the Indian Constitution in its 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 favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. CEDAW is a International Human Rights Treaty that focuses on women's rights and women's issues. It is not only an international bill of rights for women but also an agenda of action.

#### **Special Initiatives for Women**

The special initiatives by government focus on empowerment of women; these include legislative measures, policies focusing on empowerment of women, welfare programmes, and certain action plans and judicial interventions.

##### **1. 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.

##### **2. Reservation for Women in Local Self - Government**

The 73<sup>rd</sup> 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.

##### **3. 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.

#### 4. National Policy for the Empowerment of Women, 2001

The Government of India has addressed the issue of empowerment by consolidating all programmes for women under the National Mission of Empowerment of Women (NMEW). The mission of NMEW is to "enhance economic empowerment of girls and women through skill development, micro credit, vocational training and entrepreneurship." In 2001, the Government of India passed the National Policy for the Empowerment of Women. The policy focuses on "the advancement, development, and empowerment of women." Specifically, the policy focuses on ending gender inequality and violence against women. The United Nations has also encouraged empowerment among India women by campaigning to end violence against women in India. 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.

#### 5. 'Beti Bachao, Beti Padhao' Programmes

In order to end discrimination against the girl child on Prime Minister PM Modi launched twin programmes of "Beti bachao, beti padhao" and "Sukanya Samridhi account" in a bid to encourage birth and education of girls and tackle the abysmally low child sex ratio of 918 girls for 1000 boys. PM launched the two schemes from Panipat in Haryana that has among the lowest child sex ratio in the country (837 girls to 1000 boys).<sup>17</sup>

Under Sukanya Samridhi Yojna (girl child prosperity scheme), girl children below 10 years will have bank accounts with more interest and income tax benefits. The campaign will be initially implemented in the 100 districts, including 12 in Haryana, and across the country where the sex ratio is rather poor.

#### The Crimes identified under the Special Laws

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

#### Judicial Initiatives

The Supreme Court of India is heading towards a right direction in cases of gender equality. The Apex Court interprets Constitutional provision in favour of women. Whenever there is an anti-women legislation, rule or order of the government or any other agency then the Court comes into picture to rescue the rights of women. The judicial decisions rendered by the Indian Courts depict the active role played by the judiciary to protect women from exploitation at a stage where legislations are uninformed due to lack of adequacy of enforcement machinery. In protecting the women, the Indian Judiciary has removed all the procedural shackles and has completely revolutionised constitutional litigations. The judiciary has encouraged widest possible coverage of the legislations by liberal interpreting the terms. In *Municipal Corporation of Delhi v. Female Workers (Muster Roll)*<sup>18</sup> the Supreme Court extended the benefits of the Maternity Benefit Act, 1961 to the Muster Roll (Daily Wagers) female employees of Delhi Municipal Corporation. In this case, the Court directly incorporated the provisions of Article 11 of CEDAW, 1979 into the Indian Law. In *Chairman, Railway Board v. Chandrima Doss*<sup>19</sup>, the Supreme Court awarded compensation of 10 lakhs to an alien woman under Article 21 of Constitution, who has been a victim of rape. In *Municipal Corporation of Delhi v. Female Workers*<sup>20</sup>, the Supreme Court held that a just social order could be achieved only when inequalities are obliterated and women, which constitute almost half of the segment of our society, are honoured and treated with dignity. In *Vishakha v. State of Rajasthan*<sup>21</sup>, the Supreme Court took a serious note of the increasing menace of sexual harassment at workplace and elsewhere. Considering the inadequacy of legislation on the point, the Court even assumed the role of legislature and defined sexual harassment and laid down instruction for the employers. In *Apparel Export Promotion Council v. A. K. Chopra*<sup>22</sup>, the Supreme Court found all facets of gender equality including prevention of sexual harassment in the fundamental rights granted by the Constitution.

#### Political Empowerment

The term 'political participation' has a very wide meaning. It is not only related to 'Right to Vote', but simultaneously relates to participation in decision making process, political activism, political consciousness, etc. Political activism and voting are the strongest areas of women's political participation.

The concern for women's political equality in India first emerged as a political issue during the national movement in which women were active participants. As early as 1917, Indian women raised the issue of representation in politics, which at a time meant a demand for universal adult franchise. By

1929 women had the right to vote on the basis of wifehood, property and education. Under the Government of India Act, 1935, all women over 21 could vote provided they fulfilled the conditions of property and education. Post-Independence, women continued to play a significant role in less conventional political activities such as environmental movement, anti-alcohol agitation, peace movement and even revolutionary activities, which equally affect power relationships as they have the capacity to influence the state. Yet, politics proved to be a very inhospitable terrain for women and continues to be the male bastion into which the entry of women is severely restricted. Transforming the existing egalitarian pattern of gender relationships necessitates leadership in the state, markets and civil society—the key centres of power in the present globalising economy. It is, therefore, imperative for women to be in the corridors of power and have the power to negotiate a better deal for themselves, if they are to influence policy decisions which have an impact upon them. Empowerment of women in all spheres, in particular the political sphere is critical for their advancement and the foundation of a gender-equal society. Involvement of women in the political arena and in decision-making roles is an important tool for empowerment as well as monitoring standards of political performance.” The application of the philosophical underpinnings of Jakarta Declaration is necessary, because in the countries where women have gained near equal representation such as in the Scandinavian countries, they have begun to alter the very nature of politics.<sup>23</sup>

Taking this whole question to its logical conclusion, the demand gathered momentum and the question of quotas came up again in 1995. This time the focus was on women in Parliament. Initially, most political parties agreed to introduce 33 per cent reservation for women in Parliament and State Legislatures and in order to attract women voters, the 1996 election manifestoes of almost all the political parties echoed this demand. But soon doubts surfaced. When the Bill addressing this issue was introduced in the Eleventh Lok Sabha in 1997, several parties and groups raised objections. The objections focused around two main issues: first, the issue of overlapping quotas for women in general and those for women of the lower castes; second, the issue of elitism. The Bill was first introduced by Dev Gowda led United Front Government. But persistent demands for a sub-quota for another backward classes and minorities resulted in its being referred to a Parliamentary Committee headed by Gita Mukherjee, which recommended its passage, rejecting the demand for sub-quotas, despite differences among members on the various issues involved. The demand for sub-quotas for OBCs and minorities is seen, again to be merely a way of stalling reservation for women; there are no instances of political parties having such quotas in their own cadres. The Bill has already been introduced five times, but is stalled each time.

The ugly scenes witnessed in Parliament at the time seem to indicate a devaluation of the agenda of women's empowerment. Sex as the basis of

reservations and the electoral strategies perceived to be behind the Bill, continues to be a contentious issue even among those strongly committed to the cause of women's empowerment. However, the Rajya Sabha on March 9, 2010, took a 'historic and giant step' by voting (191 for and 1 against) to amend the Constitution, providing one-third reservation in Parliament and State Assemblies for women. Till today bill is not passed by the Lok Sabha and ratified by onehalf of the states before it comes into effect. Assuming that the Women's Reservation Bill gets signed into law, how will it work on the ground? If women gain control of one-third of the seats in the Lok Sabha and the State Legislative Assemblies, what will be its effect on their male counterparts? How will rotation of seats work in practice? Who decides which seat will go to women?<sup>24</sup>

To combat gender inequality in politics, the Indian Government has instituted reservations for seats in local governments. Women turnout during India's 2014 parliamentary general elections was 65.63%, compared to 67.09% turnout for men.<sup>25</sup> India ranks 20th from the bottom in terms of representation of women in Parliament.<sup>26</sup>

The 73rd and 74th amendments to the Indian Constitution in 1992 and 1993 provided for 33 per cent reservation for women in panchayats and urban local bodies. These amendments, as a strategy of affirmative action, served as a major breakthrough towards ensuring women's equal access and increased participation in political power structures.<sup>27</sup>

As in January 2015, India, the world's largest democracy, has only 65 women representatives out of 542 members in Lok Sabha, while there are 31 female representatives in the 242 member Rajya Sabha and hence presently the proportion of seats in National Parliament held by women is only 12.24% against the target of 50%.<sup>28</sup>

In a country like India where society is still patriarchal and most women are supposed to be dependent on their family, how can 33 per cent gender quotas, as granted by the Constitution of India at grassroots level (local political institutions) after the 73rd amendment in 1992, empower women? The participation of women in the local government institutions of India is, often described as being surrounded by different obstructing factors and many scholars have used the notion of proxy women as an interpretation of elected women with only formal power. Here it can be argued that the presence of women is not necessarily identical with participation and empowerment.

Several studies reveal that reservation itself cannot bring empowerment of women unless there is a positive change in the social structure and mind-set of the people. One of them is Sekhon's (2006) study which explores women's participation in *panchayats* with an analysis located in feminist politics and participatory democracy. It is a theoretical study in which the author analyses the role of social movements engaged in participatory action research, training, advocacy, and networking with and for women at grassroots level. She argues that reservations alone is not adequate because women

are constrained by a variety of social, cultural, economic, and political factors, for instance traditional gendered beliefs of the role and position of women in family and community, caste and class inequalities, lack of education, and lack of legal knowledge. She argues that the government of India in principle recognized, some of these limitations when it introduced the reservation of 33 per cent of seats in *panchayats* for women, but later both the government, and especially women's and other non-government organizations, realized that more research, training, networking, and advocacy were necessary at the local, state, national, and international levels to enable effective participation. She argues that the Indian social structure is patriarchal, and where women are not fully educated and dependent on their family members, thus they cannot take part in decision making process with full freedom. Moreover they can get a political position by reservation but may work merely as proxies for their husbands or other family members.<sup>29</sup>

Further studies reveal that women elected on quotas face many difficulties during their participation in governmental bodies. For example, Kaul and Sahni (2009), in their study analyses the level of elected women representative's participation in *panchayat* and the difficulties faced by them. They have judged the participation of elected women members on the basis of meetings attended by women members in *panchayats*, decisions taken by these women members and freedom of speech in *panchayats*. The authors also revealed the motivations of women members behind contesting elections, problems faced by them during participation in *panchayats* and their ways to overcome those problems. Their findings illustrates that neither the reservation for women nor their actual presence in the *panchayat* have helped in addressing the problems associated with the common village women. They argue that the elected women are not always treated with due respect and that many elected women complained that their suggestions were not seriously considered and that sometimes they were even not consulted in the decision making.<sup>30</sup>

Political representatives need to take certain innovative and focused measures for empowerment of women and one such example is of PDP-BJP collation government's maiden budget presented by Finance Minister Dr. Haseeb A Drabu in the Legislative Assembly which launched few schemes for women empowerment. The budget proposes introduction of many women-centric schemes with a provision of Rs 135 crore allocations. As a step towards empowerment of women, the government proposes to provide financial assistance to girl child right from her birth—beginning initially in six districts having adverse sex ratio. Expressing concern over declining sex ratio in the state, Drabu said, "According to the census of 2011, J&K has exhibited a fall in the sex ratio to 889 and more alarming is the child sex ratio in 6 to 10 age group where it has shown a very rapid decline." Stressing on financial security to a girl child, he allocated Rs 35 crore for 2015-16 financial year to contribute Rs 1000 per month on behalf of

every girl child born after April 1, 2015, for next 14 years. "The funds for baby girl will directly go to her bank account and at reaching 21 years, she would receive around Rs 6.5 lakh," The government also announced 'Aasra' (help) scheme for 50000 widows and destitute women of the state. Allocating Rs 100 crore annually under Aasra insurance-cum-saving scheme, in which government would open zero balance saving accounts for widows or destitute women with no source of income. "These accounts come up with life insurance cover of Rs 25,000, an accident cover of Rs 25,000, sickness and disease cover of Rs 5000 and maturity/survival benefits of Rs 25,000 after five years." The government also proposed to exempt baby diapers, adult diapers and female sanitary napkins from VAT to improve personal hygiene of women folk. This means "Women empowerment and emancipation will be inconclusive without addressing the health and medical issues of women."<sup>31</sup>

### Conclusion

The legislative and judicial initiatives have placed the women in a better place in the society. Yet the woman in India has to go for miles to achieve cent per cent empowerment. On the basis of the above literature three main conclusions may be drawn: The first, reservation itself cannot bring empowerment because women are constrained by a variety of social, cultural, economic, and political factors. Second, the gender quota or women's reservation has yielded mixed results. According to this theory after the introduction of gender quotas women have become more independent in decision making process but still they have to face many difficulties in the course of their participation. Women still face opposition from villagers and their male counterparts in *Panchayats*. Third, reservations have had a good impact on women's empowerment as women have become more visible and confident and have had the opportunity to work for more women-friendly laws.

It can be stated that the reservation for women can be an important impetus to women's empowerment in India on village level but that it is not a guarantee for the participation of the elected women. It can be noted that there are more restraining than facilitating factors for the entry and participation of women in political arena, and it is equally interesting to find out that the restraining factors are so many and so diverse. Steps are being taken to overcome these hindrances, but it is a very time-consuming process. A structure, which has been created over centuries, cannot be dismantled within a short span of time. To expedite and speed up this process it is essential to implement some supplementary policies which encourage the self-confidence of women, build women's capabilities and remove operational obstacles. There is a need to change many aspects of the existing gender relations, power distribution and to take hard decisions concerning power-sharing. While it cannot be claimed that women are categorically empowered though these reservations, it cannot be denied that they have gained a certain extent of authority and confidence as a direct outcome of the quota. In this respect it

appears that the quota can be a feasible tool for the political empowerment of women.

To overcome issues of discrimination and violence, women's organizations have focused on the empowerment of Indian women. While denouncing the female foeticide, recently, Prime Minister PM Modi launched a nationwide 'Beti Bachao Beti Padhao' (save girl child and educate her) campaign from Panipat, Haryana where the sex ratio is very adverse. While launching the scheme Prime Minister said "We cannot call ourselves citizens of 21st century by practising such a crime - we are worse than people in the 18th century when newly born baby girls were drowned in a bowl of milk. At least they allowed those girls to see their mother's face, see the world for a few moments. We do not even allow that because we do not even let them be born".

J&K government's initiative of providing Rs 1000 per-month for newborn girl for 14 years; 'Aasra' scheme for widows is a welcome step towards empowerment of women and such best practices need to be followed by other states as well.

Empowerment is tied to the support of family and improved status within the household, which is undermined by the threat of domestic and sexual violence. Socio economic conditions, such as poverty and illiteracy, prevent the entrance of women into running for public office, and even voting. Inability to understand the rules of Panchayat Raj undermines the self-confidence to participation in public office.

Empowerment of Indian women can also occur through "bridging gaps in education, renegotiating gender roles, the gender division of labour and addressing biased attitudes." Women can also be empowered to participate by family, and when familial support is present they are more likely to run for office.

The legislations, which take care of rights and privileges of women, are numerous, but due to ignorance and illiteracy those legislations cannot be properly enforced. The plethora of Indian Legislations aims at women empowerment. The judicial decisions rendered by the Indian Courts depict the active role played by the judiciary to protect women from exploitation at a stage where legislations are uniformed due to lack of adequacy of enforcement machinery. The legislative and judicial initiatives have placed the women in a better place in the society. Yet the woman in India has to go for miles to achieve holistic empowerment. India lags behind on targets for empowering women through wage employment and political participation, reducing child and infant mortality and improving access to adequate sanitation to eliminate open defecation.

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