

Women Empowerment

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INTRODUCTION

We live in a democratic country and whenever we talk about right to equality as a fundamental right and there can be no discrimination on basis of sex, religion, caste creed etc. and there at the same time Indian society being a male dominated society woman is always under the control of men. At the time of birth her father is her guardian, after marriage her husband dominates him and after that in old age she is dominated by her son. Though we talk about equality still she is never treated at par with men.

The term 'Women Empowerment' means that the women be treated equal to men regard to the rights given to her in the Indian Constitution. It is about giving women the same freedom as that is enjoyed by the men in the country. - Freedom to make their own choices and decisions. Though, the word 'women's empowerment' can't be confined to a particular definition. It means creating an environment where women are given equal status at every aspect i.e. socially, economically, and politically and so on. In developing countries like India, gender disparity is highly rampant in comparison to the developed countries.

Empowering women will not only give her a life worth living, but the future too to be on a right track. There are bunch of people who talk about empowering women, they may be genuine...or maybe not.

India is entirely an ironical country. You read something the other day, and see something happening entirely opposite the next day. So is with women empowerment...Along with women empowerment, co-exists domestic violence against women. The safety of women in India – both inside and outside homes – is a major concern.

Crime against women is a particularly severe problem in India. A survey conducted by Thomson Reuters Foundation in 2012 ranks India as the worst country for women among the G-20 nations. Data from India's National Crime Records Bureau (NCRB) suggests that there were 244,270 crimes committed against women during 2012 (a rate of 41 crimes per 100,000 women). These crimes include 24,923 rapes (4 per 100,000 women), 8,233 dowry-related murders (1 per 100,000 women), and 106,527 instances of abuse by a husband or his relatives (18 per 100,000 women). Further, as per the National Family Health Survey (NFHS), 36% of ever-married women have experienced some form of physical abuse from their spouse, such as being pushed, slapped, punched, kicked, strangled, burned, or threatened with a weapon. Moreover, almost three quarters of women who have experienced violence report that they have never sought help.

HISTORY OF WOMEN EMPOWERMENT

From ancient to modern period, women's condition-socially, politically and economically- has not remained same and it kept changing with times. In ancient India, women were having equal status with men; in early Vedic period they were very educated and there are references of women sages such as Maitrayi in our ancient texts. But with the coming of famous treatise of Manu i.e. Manusmriti, the status of women was relegated to a subordinate position to men.

All kinds of discriminatory practices started to take from such as child marriage, devadashi pratha, nagar vadhu system, sati pratha etc. Women's socio-political rights were curtailed and they were made fully dependent upon the male members of family. Their right to education, right to work and right to decide for themselves were taken away. During medieval period the condition of women became more worst with the advent of Muslim rulers in India; as also during the British period. But the British rule also brought western ideas into the country.

A few enlightened Indians such as Raja Ram Mohun Roy influenced by the modern concept of freedom, liberty, equality and justice started to question the prevailing discriminatory practices against women. Through his unrelenting efforts, the British were forced to abolish the ill-practice of Sati. Similarly, several other social reforms were also brought by other social reformers like Ishwar Chandra Vidyasagar, Swami Vivekananda, Acharya Vinoba Bhave etc. who worked for the upliftment of women in India. For instance, the Widow Remarriage Act of 1856 was the result of Ishwar Chandra

Vidyasagar's movement for improving the conditions of widows. Indian National Congress supported the first women's delegation which met the Secretary of State to demand women's political rights in 1917. The Child Marriage Restraint Act in 1929 was passed due to the efforts of Mahhommad Ali Jinna, Mahatma Gandhi called upon the young men to marry the child widows and urged people to boycott child marriages.

During freedom movement also, almost all the leaders of the struggle were of the view that women should be given equal status in the free India and all types of discriminatory practices must stop. And for that to happen, it was thought fit to include such provisions in the Constitution of India which would help eliminate age-old exploitative customs and traditions and also such provisions which would help in empowering women socially, economically and politically.

CONSTITUTION OF INDIA AND WOMEN EMPOWERMENT

India's Constitution makers and our founding fathers were very determined to provide equal rights to both women and men. They also had an impact of Universal Declaration of Human Rights which just came before making of the Constitution of India. It provides provisions to secure equality in general and gender equality in particular. Various articles in the Constitution safeguard women's rights by putting them at par with men socially, politically and economically. The Preamble, the Fundamental Rights, DPSPs and other constitutional provisions provide several general and special safeguards to secure women's human rights.

Preamble:

The Preamble to the Constitution of India assures, social, economic and political justice to all the citizens of the nation whether men or women; liberty to live a healthy and dignified life, and also equality of status and opportunity and dignity to the individual. Thus, it treats both men and women equal and there is no discrimination made by the constitution makers for the men and women.

Fundamental Rights:

The policy of women empowerment is well entrenched in the Fundamental Rights enshrined in our Constitution. For instance:

- Article 14 ensures to women the right to equality.
- Article 15(1) specifically prohibits any kind of discrimination on the basis of sex.
- Article 15(3) empowers the State to take affirmative actions in favour of women i.e. to make special provision for improving the conditions of women and this can't also be challenged in the courts also.
- Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office.

These rights being fundamental rights are justiciable in court and the Government is obliged to follow the same.

Directive Principles of State Policy:

Directive principles are an obligation on the State for the welfare of the people. While making any policy, State has to consider these Directive Principles. There are some special provisions which are enshrined in the Directive principles of State Policy for the upliftment of the women. Though these are not justiciable in the Court but these are essential for governance nonetheless. Some of them are:

- Article 39 (a) provides that the State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.
- Article 39 (d) mandates equal pay for equal work for both men and women.
- Article 42 provides that the State to make provision for securing just and humane conditions of work and for maternity relief.

Fundamental Duties:

Fundamental duties are enshrined in Part IV-A of the Constitution and are positive duties for the people of India to follow. It also contains a duty related to women's rights:

Article 51 (A) (e) expects from the citizen of the country 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.

Other Constitutional Provisions:

Through 73rd and 74th Constitutional Amendment of 1993, a very important political right has been given to women which is a landmark in the direction of women empowerment in India. With this amendment women were given 33.33 percent reservation in seats at different levels of elections in local governance i.e. at Panchayat, Block and Municipality elections. Thus, it can be seen that these Constitutional provisions are very empowering for women and the State is duty bound to apply these principles in taking policy decisions as well as in enacting laws.

SPECIFIC LAWS FOR WOMEN EMPOWERMENT IN INDIA

Here is the list of some specific laws which were enacted by the Parliament in order to fulfil Constitutional obligation of women empowerment:

- The Equal Remuneration Act, 1976.
- The Dowry Prohibition Act, 1961.
- The Immoral Traffic (Prevention) Act, 1956.
- The Maternity Benefit Act, 1961.
- The Medical termination of Pregnancy Act, 1971.
- The Commission of Sati (Prevention) Act, 1987.
- The Prohibition of Child Marriage Act, 2006.
- The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.
- The Sexual Harassment of Women at Work Place (Prevention, Protection and) Act, 2013.
- The Muslim Women (Protection of Rights and Marriage) Bill, 2017.

(Above mentioned and several other laws are there which not only provide specific legal rights to women but also gives them a sense of security and empowerment.)

GOVERNMENT POLICIES AND SCHEMES FOR WOMEN EMPOWERMENT

Whatever improvement and empowerment women have received is especially due to their own efforts and struggle, though governmental schemes are also there to help them in their aim.

In the year 2001, the Government of India launched a **National Policy for Empowerment of Women**. The specific objectives of the policy are as follows:

- Creation of an environment through positive economic and social policies for full development of women to enable them to realize their full potential.
- Creation of an environment for enjoyments of all human rights and fundamental freedom by women on equal basis with men in all political, economic, social, cultural and civil spheres.
- Providing equal access to participation and decision making of women in social political and economic life of the nation.
- Providing equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public life etc.
- Strengthening legal systems aimed at elimination of all forms of discrimination against women.
- Changing societal attitudes and community practices by active participation and involvement of both men and women.
- Mainstreaming a gender perspective in the development process.
- Elimination of discrimination and all forms of violence against women and the girl child.
- Building and strengthening partnerships with civil society, particularly women's organizations.

The Ministry of Women and Child Development is the nodal agency for all matters pertaining to welfare, development and empowerment of women. It has evolved schemes and programmes for their benefit. These schemes are spread across a very wide spectrum such as women's need for shelter, security, safety, legal aid, justice, information, maternal health, food,

nutrition etc., as well as their need for economic sustenance through skill development, education and access to credit and marketing.

Various schemes of the Ministry are like Swashakti, Swayamsidha, STEP and Swawlamban enable economic empowerment. Working Women Hostels and Creches provide support services. Swadhar and Short Stay Homes provide protection and rehabilitation to women in difficult circumstance.

- Supreme Court of India has declared the practice of Triple Talaq as unconstitutional by 3:2 majority. Justices Kurian Joseph, Justice UU Lalit and Justice RF Nariman delivered the majority Judgment. said it is not a fundamental right. Justice Nariman, Justice Lalit and Justice Kurien said triple talaq was unconstitutional. The SC said "triple talaq violates fundamental right of Muslim women as it irrevocably ends marriage". Justice Joseph said what cannot be true in theology cannot be protected by law. Justices Nariman and Lalit also said that triple talaq granting instant divorce is unconstitutional.

Triple Talaq bill in Lok Sabha

This Bill, which makes instant triple talaq or talaq-e-biddat a punishable offence, follows the Supreme Court judgment on August 22, 2017 in the case of (*Shayara Bano vs. Union of India*).

It makes the pronouncement of talaq-e-biddat "void and illegal." According to clause 3 of the Bill, "Any pronouncement of talaq by a person upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal." A man who pronounces talaq on his wife will be punished with a jail term and a fine. This Bill also makes the pronouncement of talaq-e-biddat a non-bailable offence.

Clause 4 of the Bill states, "Whoever pronounces talaq referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years and fine."

Clause 7 says, "an offence punishable under this Act shall be cognizable and non-bailable within the meaning of the Code." (The Code of Criminal Procedure, 1973)

LANDMARK JUDGMENT THAT HAD UPLIFTED THE STATUS OF WOMEN

Vishaka & Ors. V. State of Rajasthan & Ors., (1997) 6 SCC 241 The Bench, comprising of Chief Justice Verma, Justice Sujatha Manohar and Justice B.N. Kirpal issued Guidelines **to prevent sexual harassment against women in work places**. All complaints of sexual harassment by any woman employee would be directed to this committee. This is significant because an immediate supervisor may also be the perpetrator. The committees advise the victim on further course of action and recommend to the management the course of action against the man accused of harassment.

Vaddeboyina Tulasamma v. Vaddeboyina Shesha Reddi, 1977 SCR (3) 261 The Supreme Court in this case highlighted the **Hindu female's right to maintenance** as a tangible right against property which flows from the spiritual relationship between the husband and wife. The Bench comprising of Justice P.N. Bhagwati, Justice A.C. Gupta and Justice S.M. Fazal Ali held that Section 14(1) of the Hindu Succession Act, 1956 must be liberally construed in favour of the females so as to advance the object of the Act.

Mohd. Ahmed Khan v. Shah Bano Begum, (1985 SCR (3) 844) The Supreme Court in this case ruled in favour of Shah Bano and ordered maintenance from her ex-husband under Section 125 of the Criminal Procedure Code (with an upper limit of Rs. 500 a month) like any other Indian woman. The judgment was not the first granting a **divorced Muslim woman maintenance** under Section 125. But a voluble orthodoxy deemed the verdict an attack on Islam. This was a milestone in the Muslim women's search for justice.

Lata Singh v. State of Uttar Pradesh, 2006 (6) SCALE 583 Noting that there was no bar to **inter-caste marriage** under the Hindu Marriage Act, a Division Bench of the Supreme Court comprising of Justice Ashok Bhan and Justice Markandey Katju observed that since there was no dispute about the petitioner being a major, "*she was free to marry anyone she likes or live with anyone she likes*".

D. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469 The Supreme Court in this case held that **Live-in relationships** will also come under Domestic Violence Act 2005. It is held that 'not all live in relationships will amount to a relationship

in the nature of marriage to get the benefit of the Act of 2005. If a man has a 'keep' whom he maintains financially and uses mainly for sexual purpose and/or as a servant it would not, in our opinion, be a relationship in the nature of marriage'

Delhi Domestic Working Women's Forum v. Union of India, 1995 SCC (1) 14 Four domestic servants had filed charges of indecent sexual assault against seven army personnel. The Supreme Court pointed out the defects of the existing system while dealing with rape victims, issuing 8 broad parameters while **assisting victims of rape**.

CONCLUSION

No doubt a good number of laws have been made by the government but these laws are still confined to statutory books because the enforcement machinery is inadequate. Along gap exists between law and its enforcement. The mobilization of public opinion to create the supporting environment for effective implementation is still required. For this, special emphasis should be given on education designed to make women aware of their rights and to make society at large conscious of its duty to respect the rights of women and girl children. Swami Vivekananda has said, "Country and nation which do not respect women have never become great nor will ever be in future".

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